



TOWN OF WARNER

P.O. Box 265, 5 East Main Street
Warner, New Hampshire 03278-0059
Land Use Office: (603)456-2298 ex. 7
Email: landuse@warnernh.gov

Planning Board AGENDA

Monday, March 4, 2024
Town Hall Lower Meeting Room
7:00 PM

Join Zoom Meeting: <https://us02web.zoom.us/j/87061407427> Meeting ID: 870 6140 7427 Passcode: 1234

I. OPEN MEETING and ROLL CALL

II. **APPROVAL OF MINUTES** – September 11, October 2, November 6, November 20, and December 5, 2023 and January 17, 2024 for review at the next Planning Board meeting.

III. PUBLIC COMMENT

IV. NEW BUSINESS

A. Short Term Rental Discussion

V. UNFINISHED BUSINESS

A. Start review of Subdivision application and Checklist

[Subdivision](#), [Site Plan Regulations](#), [Site Plan Review](#), [Voluntary Merger](#), [Driveway](#), [Home Occupation](#), [Lot Line Adjustment](#)

VI. REPORTS

A. **Chair's Report** – Chair, Karen Coyne

B. **Select Board** – Harry Seidel

C. **Regional Planning Commission** – Derek Narducci, Ben Frost (See attached)

D. **Economic Development Advisory Committee** –

E. **Agricultural Commission** – James Gaffney

F. **Groundwater Protection Committee** – Andy Bodnarik

G. **Housing Advisory Committee** – Ian Rogers

H. **Regional Transportation Advisory Committee** -

VII. COMMUNICATIONS

VIII. PUBLIC COMMENT

IX. ADJOURN

Note: Planning Board meetings will end no later than 10:00 P.M. Items remaining on the agenda will be heard at the next scheduled monthly meeting.

All interested parties are invited to attend.

Public correspondence must be received by Noon on the day of the meeting.



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Planning Board Minutes
Monday, September 11, 2023

7 **I. OPEN MEETING at 7:02 PM.**

8 **ROLL CALL:**

Board Member	Present	Absent
David Bates	✓	
Andy Bodnarik (Acting Chair)	✓	
Karen Coyne	✓	
Dan Emanuele - Alternate		✓
James Gaffney	✓ (arrived 7:11)	
Pat Goneau		✓
Faith Minton (Select Board alt.)	✓	
Ian Rogers - Alternate	✓	

9 **In Attendance:** Janice Loz – Land Use Administration

10 **II. APPROVAL OF MINUTES: July 10, 2023**

11 **Karen Coyne made a motion to approve the minutes as amended. Ian Rogers seconded the**
12 **motion. Discussion:** None. **Voice Vote Tally:** 5 to 0. The minutes were approved as amended.

13 **III. PUBLIC COMMENT - None**

14 **IV. NEW BUSINESS**

15 **A. Lot Line Adjustment Application**

16 **Applicant:** Snowy Cabin, LLP.

17 **Owners:** Snowy Cabin, LLP.

18 **Agent:** Clayton Platt

19 **Address:** Poverty Plains Road, Warner, NH 03278

20 **Map/Lot:** Map 7, Lot 73 & 75

21 **District:** R1 and R3

22 **Description:** Adjust lot line between lots 73 and 75. Lot 73 will have plus/minus 3.91 acres. Lot
23 75 will have plus/minus 20.6 acres.

UNAPPROVED MINUTES

24 The Acting Chair (Chair) started the conversation letting everyone the abutters for the application
25 were notified before the public meeting. The Chair didn't see a reason to consider regional impact
26 on the application. The board reviewed and accepted the application as complete. Erica Black said
27 Clayton was not able to make it to the meeting. The Chair advised the representative of Snowy
28 Cabin's that there is a checklist that has to be done for the lot line adjustment, which includes all
29 the required information for this adjustment.

30 The Chair, summarized for the board clarifies based on the packet that the road frontage and co-
31 ownership of these lots make it a nonconforming lot. The Chair also summarized how 50 feet of
32 road frontage is required for this particular lot. This was discussed previously in the July 2022
33 minutes. Since the engineer is not here, the Chair suggested to the board that this application be
34 postponed. The Chair noted the applicant does not have the completed and filled out lot line
35 adjustment checklist. The applicant agreed to review and complete the checklist. Karen informed
36 the applicant how to obtain the checklist through the application. The Chair apologized to the
37 applicant and commented that the process can be confusing at times.

38 In regards to public comment, a handful of abutters were present in the audience and wondered
39 about the logistics of the lot line adjustments and how it was going to affect them. James believed
40 that the abutters should be notified of the new meeting with the Board. The Chair agreed with this
41 statement; however, Janice made a comment about how this would be an added cost to the
42 applicant. The Chair recommended using the same list of abutters and to repost the Planning Board
43 notice to meet the fair notice requirement.

44 **James Gaffney made the motion to continue this application to the next Planning Board**
45 **meeting of October 2, 2023. The motion was seconded by Ian Rogers. Discussion: None.**
46 **Voice Vote Tally: 5 – 0. The motion was approved.**

47 **B. Conceptual Consultation**

48 **Applicant: Harold Fletcher**

49 **Owners:** Robert Fletcher

50 **Agent:** Harold Fletcher

51 **Address:** 3 Gould Road, Warner, NH 03278

52 **Map/Lot:** Map 10, Lot 29

53 **District:** R3

54 **Description:** Build a single-family home on property approximately where square is on map.
55 Subdivide. Needs road frontage.

56 Harold Fletcher was hoping to build on his father's land. However, there is not much road frontage
57 so they are hoping to extend the road, as well as subdivide the land to the three-acre minimum.
58 The Chair pointed out on the map the multiple roads surrounding Gould Road. The Chair advised
59 the applicant that it might be useful to talk to the Department of Public Works on the classification
60 of the surrounding roads. The Chair advised the applicant as to the road frontage required when
61 subdividing, and in response the applicant is open to ideas on how to build the road in order to build
62 another house on the lot. The Chair advised the applicant to meet with the Department of Public
63 Works, to make sure the new road frontage is not encroaching on any other roads and not
64 overlapping Lot 28.

65 Harold asked questions related to the road status and classification. James responded saying the
66 road status is going to dictate what happens and how to achieve the subdivision. The Chair
67 suggested maybe dig up the history of the roads and district classification as to how to best go
68 about the road frontage issue.

69 Harold showed the Board where the original house is and where he wants to build. Janice's
70 summarized the applicants. He wants to put two houses on one lot, however in order to do that he
71 needs to subdivide. However, when subdividing one of the lots will be nonconforming and have no
72 road frontage. The Board advised the applicant to look more into the classification of the road and

UNAPPROVED MINUTES

73 complete the lot line adjustment checklist. Janice recommended to the applicant ask Tim if this road
74 is a town road or a private road.

75 James said the ideal situation is that this road is a town road, however, he advised the applicant to
76 seek the help of Tim. The Chair advised research needs to be done on this property to find out the
77 history of the roads. The Chair asked Harold to go and get more information on the property and
78 come back to the Planning board with more information as it arises.

79 C. Selectboard appointments.

- 80 1. Ian Rogers was appointed as a regular Planning Board member by the Select Board.
- 81 2. Regional Planning Commission discussion. Currently there are two members on the Regional
82 Planning Commission. Janice said Ben Frost is not resigning. In the future, the proper
83 procedure is for the Planning Board to make a recommendation to the Select Board on whom
84 to recommend.

85

86 V. UNFINISHED BUSINESS

87 A. Capital Improvement Program – Process Updates

- 88 1. Update on forms received.

89 Janice advised the board that CIP has been submitted by the Police Department, Fire
90 Department, and Town Clerk, which includes the estimate for the roof of the Town Hall. Janice
91 also mentioned how she sent a reminder to Nancy Martin about the CIP, and spoke with Diane
92 to work with Tim to get the DPW CIP done. Still missing a CIP from the Transfer Station, Library,
93 and Conservation. The Chair clarified with Nancy that you need to fill out a CIP if any money is
94 going to be spent next year. Since this is a planning exercise so we can see how funds are
95 going to be spent in the future.

- 96 2. Schedule meeting with Department Heads (September)

97 Next work schedule would be September 25 to review the CIP that have already been
98 completed and returned. However other CIP's can be reviewed during the October 2nd. The
99 Chair agreed to compose the email for this action item.

100 B. Review Agenda for Excavation Site Walks (September 30, 2023)

101 It was discussed that David, Ian, Andy, and Dan will be able to attend the site walks. However,
102 David has to recuse himself from one of the three site walks. He just has to recuse himself from the
103 Courser site walk, Janice said she will ask Pat or Harry to substitute.

104 C. NH Granite Phase III Maps

105 Need to be reviewed and compared to previous maps. The Chair requested Janice to ask Michael
106 about an overlay maps and logistics of where that stands.

107 D. Revisions to Development Applications and Regulations – Site Plan Application and 108 Regulations

109 [Subdivision](#), [Site Plan Regulations](#), [Site Plan Review](#), [Voluntary Merger](#), [Driveway](#), [Home](#)
110 [Occupation](#), [Lot Line Adjustment](#)

111 Edits completed and then discussion can continue, this will resume October 2, 2023.

UNAPPROVED MINUTES

112 VI. Election of Planning Board Officers(s)

113 A. Janice and Andy discuss the description and responsibilities of the Chair.

114 **James Gaffney nominated Karen Coyne as Chair.** Karen accepted the nomination. **David Bates**
115 **seconded the nomination. Voice Vote Tally: 5 – 0.** Karen was voted in as Planning Board Chair.

116 B. Members identify their interest in being nominated as Vice Chair. Make nominations for Vice Chair.
117 Second. Discuss. Vote.

118 **Karen Coyne nominated Andy Bodnarik as Vice Chair.** Andy Bodnarik accepted the nomination.
119 **James Gaffney seconded the nomination. Voice Vote Tally: 5 – 0.** Andy was voted in as
120 Planning Board Vice Chair.

121 VII. REPORTS

122 A. Chair's Report – (Acting Chair, Andy Bodnarik)

123 Andy discusses census database results and references, as well as the Housing Advisory
124 Committee census.

125 B. Select Board – Faith Minton (substituting for Harry Seidel) 15240

126 Faith discussed how in August, Allan Brown was appointed to the Select Board (SB). Ed Mical
127 updated the SB on the Emergency Management process. She summarized the Friends Concord
128 Rail Trail presentation in August and provided background for the Exit 9 project. The SB meet and
129 signed the grant and the next steps of the Rail Trail will start. Bob Blake has been investigating how
130 to best make investments for the Town.

131 C. Regional Planning Commission – NONE (Derek Narducci, Ben Frost)

132 D. Economic Development Advisory Committee – NONE

133 E. Agricultural Commission – NONE (James Gaffney)

134 F. Groundwater Protection Committee – NONE (Andy Bodnarik)

135 G. Regional Transportation Advisory Committee - NONE

136 VIII. COMMUNICATIONS – Janice discussed how it might be useful to create a clause in the Subdivision
137 Regulations that notes that subdivisions have to acted on or will expire in five years.

138 IX. PUBLIC COMMENT

139 X. ADJOURN

140 The meeting was adjourned at 8:58 PM.

/mbl

UNAPPROVED MINUTES



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Planning Board Minutes Monday – October 2, 2023

I. OPEN MEETING at 7:00 PM.

ROLL CALL:

Board Member	Present	Absent
David Bates		✓
Andy Bodnarik (Vice Chair)	✓	
Karen Coyne (Chair)	✓	
Dan Emanuele - Alternate		✓
James Gaffney	✓	
Ian Rogers	✓	
Harry Seidel – Select Board	✓	

In Attendance: Janice Loz – Land Use Administration,

II. APPROVAL OF MINUTES: August 7, 2023

Harry Seidel made a motion to approve the minutes as amended. Andy Bodnarik seconded the motion. Discussion: None. **Voice Vote Tally:** 5 to 0. The minutes were approved as amended.

III. PUBLIC COMMENT

None

IV. NEW BUSINESS

A. Planning Board membership: Janice said Pat Goneau resigned from the Planning Board. Janice said Dan Emanuele is unsure of being the full-time member of the Planning Board. Therefore, the plan is to have a posting on the town website to request people to volunteer as a full-time voting member.

V. UNFINISHED BUSINESS

A. Lot Line Adjustment Application

Applicant: Snowy Cabin, LLP.

Owners: Snowy Cabin, LLP.

Agent: Clayton Platt

Address: Poverty Plains Road, Warner, NH 03278

Map/Lot: Map 7, Lot 73 & 75

District: R1 and R3

UNAPPROVED MINUTES

32 **Description:** Adjust lot line between lots 73 and 75. Lot 73 will have plus/minus 3.91 acres. Lot
33 75 will have plus/minus 20.6 acres.

34 The board reviewed the checklist for a Lot Line Adjustment application and asked for clarification
35 on existing buildings and roadways on the Snowy Cabin applications. Andy asked for clarification
36 on the driveway and access to the property.

37 **Andy Bodnarik made a motion to accept the application as complete. Harry Seidel seconded**
38 **the motion. Discussion:** James Inquired about road frontage and non-conforming lots and asked
39 if they need a variance on the record. **Voice Vote Tally:** 5 to 0. The application was accepted as
40 complete.

41 Janice clarified that if you have a non-conforming lot of record the property owner can build on it as
42 long as they have 50-feet of frontage and a state approved septic.

43 Harry asked for clarification on the application details, and Erica provided information on how the
44 smaller lot and the lot line will be adjusted to make a bigger lot. Lots 73 and Lot 75 will be adjusted
45 to make two nonconforming lots. The board reviewed the drawings of the map and fence locations.

46 James was concerned the applicant needed to go to the Zoning Board, as he did not agree with
47 the Land Use Administration's (Janice) interpretation of the Non-Conforming Zoning Ordinance.
48 Janice clarified her statements by saying a variance for the Zoning Board needs a referral from the
49 Planning Board or a denial of a building permit based on a violation of an ordinance.

50 Public comment on the lot line adjustment began. Neighbors Rick Jones asks about construction
51 of the buildings and another neighbor Fred Smith asked about the driveway and water drainage
52 issues. The Chair reiterated that the Planning Board is just reviewing lot line adjustment and there
53 is no discussion of construction. Andy said the question may be better suited for the Public Works
54 Department.

55 **James Gaffney made a motion to approve the Lot Line Adjustment with improvements to**
56 **the map indicating where the log road entrance is located verifying that it does not go over**
57 **the neighbor's lot. Andy Bodnarik seconded the motion. Discussion:** None. **Voice Vote Tally:**
58 5 to 0. The motion passed.

59 **B. Capital Improvement Program – Process Updates**

60 1. Michele Courser – Town Clerk

61 The board reviewed the paperwork provided by Michele Courser. Andy requested an email to
62 let the Board how much the balance is currently. Michele said she would follow up as she is not
63 sure exactly what the current balance is. Harry clarified that the record preservation process will
64 take two more years to complete.

65 2. Diane Ricciardelli – Town Administrator - Town Hall Roof, Community Center

66 Harry spoke on behalf of the Town Administrator's Capital Improvement program updates. He
67 gave details about the repair estimates for the roof of the Town Hall. Karen asked for a revised
68 CIP of just the required components of the community center noting areas that have to be fixed.

69 3. Bill Chandler – Police Chief

70 The board reviewed the Police Department's CIP and expenditures for the next year, and the
71 mindset behind replacing and upgrading the police cruisers.

72 4. Jonathan France – Fire Department. – Vehicle Replacement, Equipment

73 The Board reviewed the Fire Department CIP.
74

UNAPPROVED MINUTES

75 **VI. REPORTS**

76 **A. Chair's Report** – Chair, Karen Coyne. Nothing to report.

77 **B. Select Board** – Harry Seidel. There was a perambulation request from Henniker. There will be a
78 Warner team of two or three residents to survey the grounds and look for violations. The signup
79 sheet will be on the library website and Warner website. The new interim Town Administrator will
80 be in place next month in October. He raised the issue of residential use in a commercial zone on
81 North Road. The town's Ordinances say you can build a resident on North Road in the Commercial
82 District with a Special Exception. Harry suggested a residence in a commercial district could be a
83 permitted use. Andy wanted to protect the commercial district arguing there are not enough
84 commercial districts in Warner.

85 **C. Regional Planning Commission** – Derek Narducci, Ben Frost – None.

86 **D. Economic Development Advisory Committee** – None.

87 **E. Agricultural Commission** – James Gaffney – None.

88 **F. Groundwater Protection Committee** – Andy Bodnarik. Excavation site walk was conducted on
89 September 30 and he is working on the minutes. For meetings most of the conversation revolves
90 around the discussion on maps and creating a cohesive map.

91 **G. Regional Transportation Advisory Committee** – None.

92 **VII. COMMUNICATIONS**

93 Work plan meeting October 16. DPW and the transfer station need to submit the CIP provisions. To
94 be posted is a call to volunteer on the Planning Board. In November start discussion on any changes
95 to the ordinances. Posting a notice for community members to come to the Planning Board for
96 suggestions to change any ordinances.

97 **VIII. ADJOURN**

98 The meeting was adjourned at 9:12 PM.

/jll

UNAPPROVED MINUTES



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Planning Board Minutes

Monday, November 6, 2023

I. OPEN MEETING at 7:04 PM.

ROLL CALL:

Board Member	Present	Absent
David Bates		✓
Andy Bodnarik (Vice Chair)	✓	
Karen Coyne (Chair)	✓	
Dustin Chamberlain	✓	
James Gaffney	✓	
Ian Rogers		✓
Harry Seidel – Select Board	✓	
Michael Smith - Alternate	✓	

In Attendance: Janice Loz – Land Use Administration,

1 **II. APPROVAL OF MINUTES: None**

2 **III. PUBLIC COMMENT - None**

3 **IV. NEW BUSINESS**

4 A. **Planning Board membership:** New members Dustin Chamberlin and Michael Smith.

5 B. **Conceptual Consultation Application**

6 **Applicant:** Peter and Denise Smith

7 **Owners:** Peter and Denise Smith

8 **Agent:** Jon C. Buschbaum, Envirespect Land Services, LLC.

9 **Address:** Mink Hill Road, Warner, NH 03278

10 **Map/Lot:** Map 9, Lot 11

11 **District:** OC-1

12 **Description:** Subdivide an approximate 6.0 +/- acre out of Tax Map 9, Lot 11, for a residential building
13 lot.

14 Jon Buschbaum provided a background on the project for a minor subdivision. Peter and Denis Smith
15 are looking to cut off a section of their lot and hopefully put that parcel up for sale. Six-acre property
16 with 311-feet of frontage on Mink Hill Road. Jon also informed the Board that soil tests were done on
17 the property and came back favorable for a sewage installation. Lastly Jon wanted to request for a
18 waiver to not survey the entire land to save on expenses.

19 Andy asked for clarification about the drill hole notations on the map. James recommended to the
20 applicant that in order to ensure drill holes (pin markers) they need to reach out to Tim and clarify

UNAPPROVED MINUTES

21 the road is a town road. Janice asked the applicant about the exact road frontage, the applicant said
22 the road frontage was 273 feet on one property and the new property would be 311 feet. Janice
23 mentioned that one of the lots does not have enough road frontage.

24 Jon said he wants to reach out to the surveyor and DPW to find out the status of the road and dig
25 deeper into the road frontage problem. Andy says that the lot lines on the maps provided are
26 confusing. Andy asked questions about the current list of abutters. Jon said that this is just a
27 conceptual consultation application, and they will get the list of abutters once the official application is
28 submitted.

29 Andy mentioned streams on the map, and wonders about the buildable area within the map. Jon
30 mentions that these are not classified as wetlands and both sides of the stream is buildable land. Andy
31 said the subdivision checklist needs to be filled out prior to the official application.

32 Jon asked about a request to just survey they new property. James said as long as the markers are
33 clearly identified this exception might be acceptable. Just survey the area that is being divided. Harry
34 agreed with James' decision on finding out if the road is a town road or not, otherwise, a variance is
35 required. Janice said more background has to be conducted on the access of the road and road
36 frontage requirements. Andy said that if the road frontage requirements are not acceptable that would
37 mean this lot would be non-conforming and therefore would need a variance. Karen circled back to
38 the surveying question and thought it should be okay with just surveying the new lot. Jon agreed to
39 look on the road classification within conversation on the road agent.

40 C. Discuss 2024 Zoning Amendment Calendar (November 2023 – 2024 March Town Meeting).

41 The Board has until November 13, 2023 propose amendments to the Zoning Ordinance.

42 D. **Review Article XV. A & B. Non-Conforming Use.** Expanding definition to possibly include:

- 43 1. Distinction between a non-conforming use, a non-conforming structure, and a non-
44 conforming lot.
- 45 2. Possible limitation on expanding an existing structure.
- 46 3. Determining lot setbacks on a non-conforming lot.

47 Janice mentioned it would be useful to add clarity to the 'Non-Conforming use' article. Andy and James
48 discussed the barriers of changing non-conforming use article. Janice said the current definition is a
49 problem for the public to understand. Janice said a non-conforming lot has to have 50 feet of frontage,
50 have a state approved septic system and that is all that is required. James said not really, they have to
51 abide by the setbacks. Janice said she has researched this subject thoroughly in order to help the public
52 better understand it and a non-conforming lot does not have to abide by setbacks. James he does not
53 believed that is true at all. He wanted Janice to do a presentation on this, saying we have all read this
54 (ordinance) for a fact. He wanted her to put everything she believed in writing and submit it to the Board.

55 Janice said this is the problem for the public, everyone interprets it differently, there are gaps in the
56 definition. James said then she needs to put something together in writing. Andy said it is the language
57 that is a problem with the definition of 'nonconforming use'. Janice read the article and said it does not
58 outline any setbacks and she believes that is a problem. Janice said there is a way to make the non-
59 conforming articles beefier and provide an avenue for property owners to go to the ZBA for potential
60 relief. Andy said so what you are saying there setbacks are not addressed so there needs to be
61 additional language that needs to be drafted.

62 James says there are things that do not need to be addressed. In regard to other districts, if residential
63 use is not a permitted use then they are done. Karen agreed. James said he would agree that, that
64 could benefit from additional language that includes setbacks and a minimum buildable area.

65 Harry sees the advantage of Zoning Board coming to the Planning Board and make recommendations
66 on gaps in the Ordinances. Harry said Janice has picked up on one, a non-conforming lot is under non-
67 conforming use in our Ordinances. Harry said we can make it better it is the Planning Board's job.

UNAPPROVED MINUTES

68 Janice asked someone to help her write up a change to the non-conforming article.

69 Andy and James proposed a list of concerns with our ordinances that can be brought to the Zoning
70 Board to refine definitions. Harry said the Board can take charge of the zoning ordinances. Andy
71 believes that this problem should be discussed further at future meetings and come up with an action
72 item list. Janice suggested after Town Meeting in April might be a good idea.

- 73 E. Review language in Articles VI, VII, VIII, IX, C. Frontage, lot and yard requirements: 1. "Lots
74 created by Minor Subdivision". The town lawyer asked why only lots created by minor subdivision
75 are subject to setback requirements for those districts.

76 Andy elaborated on how the language of a minor subdivision is confusing. Janice suggested
77 removing 'minor subdivision' and add a 'see definition for minor/major subdivision' section. Harry
78 proposed working with Janice on the nonconforming definition, and working alongside Andy with
79 the minor subdivision language.

- 80 F. North Road is zoned C-1 requiring a Special Exception to build a house.

81 Janice said North Road is zoned commercial from the bottom of North Road to past the Marsh's
82 property. Which means that you have to get a Special Exception just to build a house there. James
83 wonders if we are discussing North Road would it be useful to discuss the Interval, and Exit 8 and Exit
84 9 districts. Janice said she is proposing permitting residences in the commercial zones to clear up this
85 area by the Intervale. Andy said he was worried about changing the zone from commercial to
86 residential, because we do not have a lot commercial land. Harry suggested adding language that
87 says commercial land can be used for residential and vice versa. Andy was skeptical about changing
88 this zone, and Harry suggested looking at what other towns are doing. Andy said there needs to be a
89 public hearing on this adjustment as well. Janice says she brought this up for the Planning Board to
90 consider. Andy said they should look at this issue after the housing committee finds out what the
91 public wants for housing. Janice asked Andy if he was okay with this being the Special Exception for
92 a single-family dwelling, Andy said yes, he thinks so.

93 The Chair suggested to the board that a piece of paper be developed to summarize these changes
94 and explain why these problems should be discussed. The Chair believed there has to be a system
95 in place to track progress on these events and changes. Janice said the reason she brought up these
96 reviews of definitions is because this is the feedback she is getting from the public. Andy explained
97 his hesitancy on changing these ordinances as it might create a domino effect and bring to light even
98 more problems. Janice re-emphasized that the reason she brought these changes to the Board is
99 because she is being the voice of the public. The Chair sees Janice's point, and it might be good to
100 add better verbiage and definitions to the public.

V. UNFINISHED BUSINESS

A. Capital Improvement Program – Process Updates

- 104 1. Review DPW and Transfer Station CIP's.
105 2. Preparation for CIP presentation to Budget Committee on November 16.

106 The Chair said Tim will have his CIP by the next business day, and have received a sheet from
107 Varrick.

108 In regards to Varrick spreadsheet, Andy says the spreadsheet shows no numbers, but in the
109 description it shows an action item going to town meetings. However, Janice said that revisions will
110 not be completed in time. James said to just pass the information on to the Budget Committee. Harry
111 goes into detail that it is important to get community support before going through the grant approval
112 process. James said that sometimes the town in the past has not got public support. Andy asked
113 about the logistics of a warrant article. Janice said that she has been asking about the CIP
114 documents from everybody since August. Harry said that it is hard to make a decision on the CIP

UNAPPROVED MINUTES

with no representative from Varrick tonight. The Board continued to review and interpret Varricks sheet. Harry said there are too many questions with Varrick's sheet and was hesitant to submit this to the Budget Committee as the CIP is right now. Andy said that due to the lack of prompt submission of the CIP, we should not add another meeting to get more clarification, and just send this to the Budget Committee as is. The Chair suggested not endorses this particular CIP and passing it along to the Budget Committee, this is agreed upon by the Board. The Planning Board overall agreed that next year when the prompt deadline is not meant then the Department Directors have to deal with the Budget Committee.

VI. REPORTS

A. Chair's Report – Chair, Karen Coyne

CIP is all set and other than that there is nothing else to report.

B. Select Board – Harry Seidel

The Warner Community Center is having issues with fire codes. There has been a lot of effort made with the Fire Marshals to comply. However, we will not be able to comply within 45 days. Harry updated the Board on budget matters stating that currently the tax rate and school rate are increasing. The Select Board is hoping to even out the tax rates and not go up as high. Harry went into the history of the Warner Community Center and EDAC community communications. He continued with the ADA requirements and Fire Codes that make the building compliant. The Select Board is going to continue to look into what to do with the Warner Community Center and see if it permits a warrant article or is within a CIP, and public hearings will commence in order to get the public input.

C. Regional Planning Commission – NONE. Derek Narducci, Ben Frost

D. Economic Development Advisory Committee – NONE.

E. Agricultural Commission – Nothing to report James Gaffney

F. Groundwater Protection Committee – Andy Bodnarik

Janice asked Andy about the Conditional use permit form that pertains to applicants that are within the Groundwater Protection area. Andy discussed the checklist and language changes to the form.

G. Housing Advisory Committee – Nothing to report. Ian Rogers

H. Regional Transportation Advisory Committee -

VII. COMMUNICATIONS

Janice said she will reach out to Derek and Ben about an update with the Regional Planning Commission. Janice's asked Dustin if he would like to volunteer for EDAC, and he responds that he has to think about it. Andy asked if there was a representative for the Regional Transportation Advisory Committee, which seems to be another committee in which a volunteer is needed.

VIII. PUBLIC COMMENT

IX. ADJOURN

The meeting adjourned at 9:09 PM.

/mbl



TOWN OF WARNER

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**Planning Board
Work Session Minutes
Monday, November 20, 2023**

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10

I. OPEN MEETING at 7:03 PM.

ROLL CALL:

Board Member	Present	Absent
David Bates	✓	
Andy Bodnarik (Vice Chair)	✓	
Karen Coyne (Chair)	✓	
Dustin Chamberlain	✓	
James Gaffney		✓
Ian Rogers	✓	
Harry Seidel – Select Board	✓	
Michael Smith - Alternate		✓

In Attendance: Janice Loz – Land Use Administration,

II. APPROVAL OF MINUTES: None

III. PUBLIC COMMENT: None

IV. NEW BUSINESS

A. Master Plan – Chapter 4 Housing – Review project plan document and set deadlines

Janice started the discussion asking the Board they want to set goals for the Housing Advisory Committee. Ian said that once they get the data then the progress will get done in large chunks. Andy mentioned how he has compiled graphs and charts with the help of Matt that help drive the progress of the committee. Janice asked Andy about clarifying the charts and how it pertains to the committee. David asked Andy about the H4 map and how the town of Henniker is not on the map, even though we share a town line with them. Andy responded by saying that is because it is an outdated table, and there is an expanded chart that includes Henniker and other surrounding towns. Andy asked if the data should include 5-year increments or 10-year increment from 2010 to present. Ian said that it was discussed to just update the existing the charts and not expanding all the charts. Andy said that there is a lot of population data to look through and several questions arise from analyzing this data. Andy concludes that this is a work in progress, with analyzing past data and combining it with the needs assessments. David mentioned that he was looking at property tax

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27 cards and he has a list of tax cards organized by use. Andy said that this could be cross-examined
28 with other data sources. Ian gave background to the board that in the existing Master Plan it has
29 the source of each data, and that Andy's point to include sources is very relevant.

30 Karen mentioned how Matt was supposed to do the data aspect of this project and asked how it
31 changed to Andy and Ian. It was decided to include Andy because the data would then come from
32 two different sources, which would increase confidence of the data, and reduce the likelihood of
33 errors. Andy stated how to best utilize the projection data and if it should be in parallel to the
34 censuses of 2000, 2010 and 2020. David said the projection data in 2020 to now might not be an
35 accurate parallel. Andy believed it might be useful to include the years before 2020 to better capture
36 the progression and examination of data.

37 Karen said the real goal of the workgroup tonight is to set dates and goals for the Housing Advisory
38 Committee. Janice said setting dates might better focus the committee during their meetings. Ian
39 believed working backwards from our overall July deadline might better form due dates. Andy said
40 the start date of projects within the Housing Advisory Committee might differ from the deadline of
41 the projects. David asked the board if they should set a deadline for community engagement to be
42 done by March. Ian said a timeline would be useful. Andy also believed deadlines might help dictate
43 project objectives and better divide labor among the committee. Karen suggested a conversation
44 about deliverables and Matt's lack of effort and motivation on the project.

45 Ian suggested a finished draft of the survey to be completed by January 1, 2024. Karen also
46 highlighted that communication needs to be strengthened within the group, due to meeting only
47 once a month. David said it might be better to meet weekly with a subcommittee that helps
48 implement and move progress forward. It was discussed that surveys need to be out by February
49 with results gathered by April 1, 2024. In depth draft writing would be completed by April and May,
50 and then Planning Board work session completed in June. It is suggested that the committees will
51 be advised to do subcommittees and to go over deadlines.

52 **B. Discuss Zoning Ordinance Potential Modifications**

- 53 1. Review Article XV. A & B. Non-conforming Use. Expanding definition to possibly include:
- 54 a. Distinction between a non-conforming use, a non-conforming structure, and a non-
55 conforming lot.
 - 56 b. Possible limitation on expanding an existing structure.
 - 57 c. Determining lot setbacks on a non-conforming lot.

58 Harry stated after reviewing the Zoning Ordinances, the Planning Board should look at these
59 two ways. First, the Board, could say we do not encourage nonconforming lots. However, an
60 alternate way of thinking about this may be to allow smaller more dense lots. Specifically, maybe
61 allowing a reduction in setback but require more variances being sent to the Zoning Board.
62 Harry also suggested changing the frontage requirement from at least 50 feet to at least 100
63 feet.

64 Andy referenced the lot of record language and how it requires a separate and distinct parcel.
65 Andy said this change needs to be tied into legal definitions, legal report of deed or filed in the
66 state or county record. Andy wanted to change the verbiage to add a reference to the lot of
67 record definition.

68 Ian asked for some clarifying background information about nonconforming lots. Janice
69 provided background information and other resources that he could utilize to help understand
70 the ordinance. David added to the conversation and the history of how the Planning Board came
71 about reviewing the non-conforming use. David concluded with saying that he was very
72 skeptical about adding new definitions and altering any zoning ordinances.

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73 Janice said the language needs to change to help the public better understand what a non-
74 conforming lot is and what is not. Janice also mentioned that adding the restriction of 100 feet
75 frontage might make it harder for non-conforming lots to sell. These changes will be discussed
76 further at the next Planning Board meeting on December 4.

77 2. Review language in Articles VI, VII, VIII, IX, C. Frontage, lot and yard requirements: 1. "Lots
78 created by Minor Subdivision". The town lawyer asked why only lots created by minor
79 subdivisions are subject to setback requirements for those districts.

80 It was suggested by the Lawyer that "Lots created by Minor Subdivision" be removed and
81 instead say "Lot." Karen suggested discussing this change at the next Planning Board meeting
82 in December.

83 3. North Road is zoned C-1 requiring a Special Exception to build a house.

84 North Road is mostly commercial zoned, and if anyone wants to build residential then they have
85 to get Special Exceptions. Janice clarifies that she is not proposing taking away the commercial
86 designation, but making this area a mixed-use zone, or a separate zone completely. Andy
87 believed it should be kept as a Special Exception. However, David was wondering if we should
88 be expecting a lot more commercial development up North Road. Harry believed it should just
89 be left as is, and shelf the topic for now. Janice suggested tabling this discussion until after the
90 Master Plan is completed. The Board agreed that it was best not to make a decision just yet
91 until more development has been made on what the future of Warner entails.

92 V. UNFINISHED BUSINESS

93 A. Capital Improvement Program – Presentation to Budget Committee update

94 Karen and Andy mentioned that they presented the CIP to the Budget Committee and it was an
95 overall positive experience. Karen said that she is up to working with Michael earlier in the process.
96 The other suggestion was to form a committee to work on CIP. Ian mentioned at a recent Planning
97 Board Workshop seminar where it was suggested that a CIP subcommittee can help streamline the
98 CIP process and lessen the burden on the Planning Board.

99 B. Revisions to Development Applications and Regulations – Site Plan Application and 100 Regulations

101 [Subdivision](#), [Site Plan Regulations](#), [Site Plan Review](#), [Voluntary Merger](#), [Driveway](#), [Home](#)
102 [Occupation](#), [Lot Line Adjustment](#)

103 The Board reviewed the revisions to the Development Applications and Regulations. It was
104 suggested to bring these revisions to be approved during the next December meeting.

105 VI. COMMUNICATIONS – Information on Class VI roads and frontage.

106 Janice informed the board about how Allan Brown help by speaking with a potential applicant about
107 going before the ZBA prior to doing a minor subdivision of the property.

108 VII. PUBLIC COMMENT – None.

109 VIII. ADJOURN

110 The meeting was adjourned at 9:16 PM.

/mbl

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TOWN OF WARNER

P.O. Box 265, 5 East Main Street
Warner, New Hampshire 03278-0059
Land Use Office: (603)456-2298 ex. 7
Email: landuse@warnernh.gov

Planning Board Minutes

Monday, December 4, 2023

I. OPEN MEETING at 7:00 PM ROLL CALL:

Board Member	Present	Absent
David Bates	✓	
Andy Bodnarik (Vice Chair)	✓	
Karen Coyne (Chair)	✓	
Dustin Chamberlain	✓	
James Gaffney	✓	
Ian Rogers	✓	
Harry Seidel – Select Board	✓	
Michael Smith - Alternate	✓	

7 II. In Attendance: Janice Loz – Land Use Administration,

8 III. APPROVAL OF MINUTES – September 11, 2023 and Excavation Site Walk September 30, 2023.

9 Andy Bodnarik made a motion to approve the September 11, 2023 minutes as amended. Ian
10 Rogers seconded the motion. Discussion: None. Voice Vote Tally: 5 to 0. The minutes were
11 approved as amended.

12 Harry Seidel made a motion to approve the Excavation Site Walk minutes of Saturday,
13 September 30, 2023 as amended. Andy Bodnarik seconded the motion. Discussion: None. Voice
14 Vote Tally: 5 to 0. The minutes were approved as amended.

15 IV. PUBLIC COMMENT – None.

16 V. NEW BUSINESS

17 A. Conceptual Consultation Application

18 Applicant: Paul Fasoli
19 Owners: Paul Fasoli
20 Agent: Paul Fasoli
21 Address: 130 Couch Rd. Warner, NH 03278
22 Map/Lot: Map 11, Lot 40
23 District: R3
24 Description: Build steel building to up-fit tow trucks for dealerships.

25 Paul introduced himself and his project. He plans to tear down the existing structure and put up a
26 steel building. Karen confirms there is no foot traffic that comes in and out of the property, the
27 applicant agreed. Harry said this might be classified as a home occupation ordinance. Andy said

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28 that home occupations might impact the size of the residence, and the percentage it takes up of the
29 total property. James and Andy worried about classifying of the property with ordinances within R3
30 district. Andy was unsure where it would fit within the use table. The Board continued to discuss
31 where this property falls into the use table. David summarized the conversation for the applicant
32 saying that there is no public use of the property but it does overlap with business, so therefore the
33 biggest question for this application is where does it fall under the use table and the right way to
34 classify it.

35 James asked about the noise expectations and logistics of the property. The applicant said the work
36 of up-fitting tow trucks is done within the inside of the building and is unsure about how many
37 decibels the sound will omit. David mentioned that home occupations are suppose to be 25% of the
38 total residence, whether inside of the building or an out building. Janice asked board why it is not
39 an automotive use. James answered saying that automotive usually has a retail aspect to it. James
40 believed this use is more constructive use rather than repair use of vehicles. The Chair said because
41 there is no public or customers, which makes it not a garage. Harry agrees with the conversation
42 saying it is hard to determine how this business fits into the use table, however Harry believes this
43 might be a Special Exception to get a better sense of how the community is affected.

44 Janice asked what the solution for this property was. Andy said that the Planning Board could offer
45 options to the Zoning Board.

46 **David Bates made a motion to refer the 130 Couchtown Road to the Zoning Board of**
47 **Adjustment as use 15. Miscellaneous business repair services in an R3 district is allowed**
48 **by Special Exception. Andy Bodnarik seconded the motion.** Discussion: David says he
49 understands James' point of it being potentially a light industrial use, but David believes that it falls
50 under miscellaneous business repair service instead. Ian said that because this case is in a grey
51 area, we have leeway to determine which category it will fall into. The Board agrees that there is no
52 neighborhood disturbance, however advises the applicant to draw up pictures of what the land will
53 look like, as well as photos of the building. Voice Vote Tally: 7 to 0. The motion passed.

54 VI. UNFINISHED BUSINESS

55 A. Discuss Zoning Ordinance Potential Modifications

- 56 1. Review Article XV. A & B. Non-conforming Use. Expanding definition to possibly include:
- 57 a. Generic definition of what is, "non-conforming."
58 b. Define regulation for non-conforming use
59 c. Define regulation for non-conforming structure
60 d. Define regulation for non-conforming lot.
- 61 2. Review language in Articles VI, VII, VIII, IX, C. Frontage, lot and yard requirements: 1. "Lots
62 created by Minor Subdivision". The town lawyer asked why only lots created by minor
63 subdivisions are subject to setback requirements for those districts.

64 The board reviewed the Zoning Ordinance potential modifications draft. James started the
65 conversation by asking why it is 100 feet for the required frontage instead of a formula based
66 on the current requirements for that district. Harry said his thought process was thinking about
67 the smallest lot frontage, which is 100 feet, which is why he put the minimum of 100 feet. James
68 said that is a sudden change because he believes there is more conformity with what already
69 exist, which is the 50 feet. James' idea is coming up with a formula that can be used base on
70 districts, such as 80% of a requirement in a district. Andy added that maybe the frontage should
71 be based on the district, saying a 100-foot frontage for the village district is a lot. Harry worried
72 about making it 80% or a formula will make it unworkable land, and believes a minimum would

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73 be more suitable. The Chair believed we need to determine what direction the board wants to
74 work towards, either the percentage for a frontage or a set minimum regardless of land size.
75 Andy stated that he agrees with James that the frontage should vary with the district.

76 **James Gaffney made a motion to change the 100-foot requirement to a formula based on**
77 **80% of the required frontage of that district. Andy Bodnarik seconded the motion.**
78 Discussion: None. **Roll Call Vote:** Harry Seidel – No. Ian Rogers – Abstained. David Bates –
79 Yes. Dustin Chamberlain – Yes. Andy Bodnarik – Yes. James Gaffney – Yes. Karen Coyne –
80 Yes. **Vote Tally:** 5 – 1 – 1. The motion passed.

81 James suggested looking at other setback requirements and to better define non-buildable. The
82 Chair agreed that with any lot with less than average frontage required does not meet minimum
83 setbacks requirements, and incorporates this into the language. Janice cautioned the Board to
84 keep in mind that you might get to a point where you are creating a situation where people can't
85 build on their property. The Chair summarized that point 1 (above) is simply describing what
86 non-conforming is. Then point 2 (above) is saying even if you have something non-conforming
87 here is how you can build on it. The Chair continued saying that no matter the circumstances
88 you have to meet these setbacks, if you don't have the frontage you can build on 80% of that
89 frontage. Harry says the point of the rewrite was to try to achieve a simplicity to the ordinances.
90 He then discussed how he came up with this draft of non-conforming uses.

91 **James Gaffney made a motion to add the language read "Any lot with less buildable area**
92 **or frontages then required, which is lawfully established and recorded in tax as a lot of**
93 **record before the enactment or amendment of this ordinance shall be deemed as non-**
94 **conforming lot." David seconded the motion.** Discussion: None. **Voice Vote Tally:** 7 – 0.
95 The motion to add the proposed language passed.

96 The Board discussed zones and frontage adjustments. James proposes a statement that says,
97 if either of the frontages associated with the property resides in more than one zone, then the
98 more stringent zone prevails. James proposed a statement that said, if either of the frontages
99 associated with the property resides in more than one zone, then the more stringent zone
100 prevails. Andy said that you have to classify which zone the building will be built in.

101 David said do we really need them to show us where their building is, if we can simplify by
102 saying the frontage straddles these zones, then we will use the less restrictive one. James
103 mentions maybe going with the majority, whatever one the property resides in most. David said
104 that might be a problem since he remembers Andy mentioning how some maps do not show
105 clear lines of the districts. Ian said a majority, greater than 50% would be the preferred language.

106 Janice said that the language of "straddling two districts" is not consistent with any other
107 ordinance in any of the districts. Stating this language is not just unique to a non-conforming lot
108 and could apply to any lot. James said this language is only going to be used when a lot has to
109 be returned to a useable state, and James believed this case is unique and there is no overlap.
110 Janice clarified by saying that non-conforming lots usually do not straddle two districts. James
111 said this language should be added to the ordinances to avoid any confusion for property
112 owners. Janice said she understood this but worries that the language is not cohesive with the
113 rest of the ordinances in each district.

114 Harry asked if we should look into the perspective of non-conforming laws buildable or do we
115 think non-conforming lots should not be build upon. James said that we are looking for the
116 minority of the cases where this language might not pertain.

117 A conversation ensued between members were there was a lot of interrupting and crosstalk.
118 David said it was important when making decisions on this board we should respect and listen
119 to everyone. He continued to say that everyone here has a different speaking style, some more
120 assertive than others. However, this shouldn't diminish people that volunteer on this board

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121 whom do not have an assertive speaking style. So, we all be reminded that everyone has a
122 voice and we need to let people finish their train of thoughts and be patient when someone else
123 is talking.

124 Circling back to the conversation, Ian agreed that Harry has a very good point, should we make
125 these lots easier to build on or should be sway more toward the historic approach of it being
126 more difficult to build on. The Chair suggested that we really look at if a lot should be built or not
127 build, regardless of the ordinances. David chimed in by saying that we should go toward the
128 less stringent way of thinking about this, since we do not know exactly where zones end. Andy
129 said that if there is any question to a lot and its boundaries that a surveyor should be hired to
130 form a more concrete idea on where these zones exist within a lot of land.

131 The Chair proposed it should be 80% of the requirement where the majority of the district is
132 located. David asked Janice's opinion on this change, since she is involved the most with the
133 public. Janice expressed concern with the public's interpretation, stating how people will not
134 understand this requirement at all. They will get confused with the fact that they might or might
135 not be in two districts. Janice stated that with no background knowledge of land use, the public
136 will not be able to comprehend this language. James said it is the public's obligation to
137 understand where they live and reside. Janice said she understood the board logic in this
138 decision, however, most people understand which district they reside. Although, the additional
139 language of two districts might confuse people.

140 David asked Janice her opinion on how best to not confuse the public, and Janice suggested
141 saying the frontage of at least 80% for the district. If a lot ends up being in two districts then we
142 will have that discussion with the applicant at that time. James and said that was confusing.
143 Janice said the Board is preparing to add language for a situation that is very rare and might in
144 the end confuse the public more.

145 Harry suggested requiring construction be able to meet all the ordinances setback
146 requirements. Harry said as long as we say that they need to meet all setbacks of the property,
147 we are getting to the right language without overcomplicating it. James said we have
148 descriptions of the uses, and if we say R3 has to have 100 feet of frontage well that contradicts
149 the other descriptions of the uses and provides protection for the districts. David said he believes
150 if there are two districts within a lot of land that they should go with the least restricted
151 classifications. Andy had concerns about previous RSA's and state requirements and if this
152 contradicts any district.

153 **James Gaffney made a motion to amend the previous motion saying "shall be 80% of the**
154 **district the frontage." Harry Seidel seconded it.** Discussion: David said it is really important
155 to be guided by Janice's input about how it might be confusing for the public to understand.
156 Harry suggested any proposed districts current setbacks. Voice Vote Tally 7 – 0. The motion
157 passed.

158 The board continued to review language and condense verbiage of the ordinances.

159 **The Chair read the amended version of the non-conforming article. The Chair made a**
160 **motion to adopt the amended language. Harry Seidel seconded the motion.** Discussion:
161 None. **Voice Vote Tally:** 6 – 0 – 1. Andy Bodnarik abstained. The motion passed.

162 **B. Revisions to Development Applications and Regulations – Site Plan Application and**
163 **Regulations (Third reading).**

164 **Andy Bodnarik made a motion to approve the Site Plan regulations on December 4, 2024 as**
165 **amended. James Gaffney seconded the motion.** Discussion: None. **Voice Vote Tally:** 7 – 0.
166 The Site Plan Application and Regulations were adopted as amended.

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167 **C. Start review of Subdivision application and Checklist**

168 [Subdivision](#), [Site Plan Regulations](#), [Site Plan Review](#), [Voluntary Merger](#), [Driveway](#), [Home](#)
169 [Occupation](#), [Lot Line Adjustment](#)

170 **VII. COMMUNICATIONS** – None.

171 **VIII. PUBLIC COMMENT** – None.

172 **IX. ADJOURN**

173 The meeting was adjourned at 9:36 PM.

/mbl

UNAPPROVED MINUTES



TOWN OF WARNER

P.O. Box 265, 5 East Main Street
Warner, New Hampshire 03278-0059
Land Use Office: (603)456-2298 ex. 7
Email: landuse@warnernh.gov

Planning Board Minutes

Wednesday January 17, 2024

I. OPEN MEETING at 6:30 PM.

ROLL CALL:

Board Member	Present	Absent
David Bates		✓
Andy Bodnarik (Vice Chair)	✓	
Karen Coyne (Chair)	✓	
Dustin Chamberlain	✓	
James Gaffney	✓	
Ian Rogers	✓	
Harry Seidel – Select Board	✓	
Michael Smith (Arrived 6:50)	✓	

7 **In Attendance:** Janice Loz – Land Use Administration,

8 **II. APPROVAL OF MINUTES – None**

9 **III. PUBLIC COMMENT - None**

10 **IV. NEW BUSINESS**

11 **A. Conceptual Consultation Application**

12 **Applicant:** MainStreet Warner, LLC.

13 **Owners:** MainStreet Warner, LLC.

14 **Agent:** Amy Manzelli and Mike Harris, BCM Environmental & Land Law

15 **Address:** 17 Church Street, PO Box 130, Warner, NH 03278

16 **Map/Lot:** Map 31, Lot 053

17 **District:** B1

18 **Description:** Renovate Harris Masonic Lodge at 17 Church Street to be a community building
19 for all ages for arts, education, food security and to provide a space for visual and
20 performing arts.

21 Neil Nevins from MainStreet Warner presented a history of the property and how they want to
22 continue the use of the Masonic Lodge as a community building for all ages for arts, education,
23 food security, and provide a space for visual and performing arts. He continued to educate the
24 Board on the motivations of using this lot as a multi-use space and collaborates with many non-
25 profits within Warner. The major modifications will be the interior spaces and preserving the historic

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26 face of the building. The plan is to combine the two building and will include the complete
27 architecture plans within the final Planning Board submission.

28 Andy and James started the conversation by asking for clarification on the property lines on the
29 map, and where the town land begins. Andy discussed past RSA's that might apply to this property,
30 and how this particular use falls into the established use table. Andy made a point that this property
31 falls into non-profit recreational facility use as well as educational purposes. Mike Harris, lawyer for
32 the applicant, said that in regards to the substantial differences in use, the Mason's used the building
33 for, which predates the RSA's, is not that different than what they currently want the property to be
34 used for. The site plan we want is more a community gathering place, and is not a big change in
35 use. Andy suggestions addressing either this change in use or if it is a grandfathered use during
36 the final application.

37 The applicant said they met with the Fire Marshal and went over the fire safety codes to make sure
38 the building is up to code. James asked about hours of operation, the applicant said it would depend
39 on current activities, but most likely will fall between afternoon and evening hours. Andy suggested
40 to the applicant to get a site plan review and go over the checklist.

41 V. UNFINISHED BUSINESS

42 A. Discuss Zoning Ordinance Amendments

- 43 1. Review Article XV. A & B. Non-conforming Use. Expanding definition to possibly include:
- 44 a. Generic definition of what is, "non-conforming."
 - 45 b. Define regulation for non-conforming use.
 - 46 c. Define regulation for non-conforming structure.
 - 47 d. Define regulation for non-conforming lot.

48 James said in terms of non-conforming use, before a lot can be used for any residential purpose
49 it needs to go to the ZBA for approval. Janice said that usually applicants only go to the Zoning
50 Board of Adjustment (ZBA) if there is a special exception or variance. Harry believed it should
51 be only going to the Zoning Board for special exception criteria. Since right now, all that is
52 needed is 50 feet of frontage and a septic approval for building on a non-conforming lot.

53 James said his main goal is for some sort of review by the ZBA with any non-conforming
54 residential use lot. Andy suggested using language like 'in order to meet zoning compliance
55 standards come to the ZBA for all non-conforming use lots'. Harry clarified with the Board that
56 the ZBA does not do conceptual consultations, you either have a variance or special exception
57 and you either get it or you don't. James said he wants the ZBA to look at a non-conforming lot
58 to see if it meets the setbacks. Harry said that is usually the job of the Select Board when they
59 review building permits. Harry says that to require someone to go through the Zoning Board
60 might be a little bit aggressive of a tactic due to the rules of how the Zoning Board operates.
61 Janice mentioned that in order to require applicants to go to the Zoning Board, non-conforming
62 lots have to be built within the use table.

63 Harry said the 80% of the frontage is more complicated and not the solution, and should instead
64 be 150 feet of minimum of frontage. Karen suggested a preamble that references a certain
65 section, such as Article 4 General Provision F., which applies to all the following sections.

66 **Harry Seidel made a motion to adopt the preamble verbiage, include the preamble which**
67 **comes from Article 4. General Provision F. Ian Rogers seconded the motion.** Discussion:
68 None. **Voice Vote Tally:** 6 – 0. The motion was approved.

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69 **Harry Seidel made motion to approve 1a and 1b as amended. Andy Bodnarik seconded**
70 **the motion.** Discussion: James discussed grammar changes of the amendment. New
71 amendment with grammar changes moved by Andy Bodnarik. Dustin Chamberlain seconded
72 the motion. **Voice Vote Tally:** 6 – 0. The motion was approved.

73 **Harry Seidel made a motion to accept B as written. Andy Bodnarik seconded the motion.**
74 Discussion: None. **Voice Vote Tally:** 6 – 0. The motion was approved.

75 There was a discussion that after the issuance of a Building Permit, construction must be
76 commenced within 6 months on the exterior and completed within 2 years except when the
77 Board of Selectman extend the time.

78 Harry Seidel recommends to leave 5 but add commenced within 3 years. **Andy Bodnarik made**
79 **the motion to add the reference on number 5 of the article of “commenced within 3**
80 **years.” Harry Seidel seconded the motion.** Discussion: Andy asked about the FEMA
81 requirements within three years. Harry read the amended version with natural disasters added.
82 **Voice Vote Tally:** 6 – 0. The motion was approved.

83 2. Review language in Articles VI, VII, VIII, IX, C. Frontage, lot and yard requirements: 1. “Lots
84 created by Minor Subdivision”. The town lawyer asked why only lots created by minor
85 subdivisions are subject to setback requirements for those districts.

86 Harry mentioned adding a purpose section, above the preamble in the ordinances. The purpose
87 help create a vision for the landowners that the zoning ordinances has rules that they must
88 abide by. Andy worried about changing the legal language. Karen mentions instead of replacing
89 the preamble but instead just add the final sentence. James worried about the legal implications
90 of changing this document, however the Warner Master Plan is not a legal document and mixing
91 the legal documents of the ordinances with the Master Plan may not be the best way to go about
92 this. Ian mentioned that Harry’s idea of a preamble as well as a purpose section might be
93 relevant here. Janice believed this type of vision statement might be more applicable in the
94 Master Plan and not the legal ordinances.

95 **B. Revisions to Development Applications and Regulations – Site Plan Application and**
96 **Regulations (The board has concluded the first and second reading).**

97 Completed.

98 **C. Start review of Subdivision application and Checklist**

99 [Subdivision](#), [Site Plan Regulations](#), [Site Plan Review](#), [Voluntary Merger](#), [Driveway](#), [Home](#)
100 [Occupation](#), [Lot Line Adjustment](#)

101 Tabled to next meeting.

102 VI. COMMUNICATIONS

103 VII. PUBLIC COMMENT

104 Ed Mical discussed the Flood Plain Insurance maps. The state is revising the maps. The town has a
105 chance to comment on the flood maps provisions. The Select Board will be putting together a
106 subcommittee to work on this project.

107 VIII. ADJOURN

108 The meeting was adjourned at 9:20 PM.

/mbl