

Town of Warner
Planning Board



Meeting Minutes

January 6, 2020 - 10:17

7:00 PM Warner Town Hall Lower Level
Revised & Approved @ 2.3.2020 meeting

1. OPEN MEETING/ROLL CALL

Chairman Ben Frost welcomed Deb Moody as the new Land Use Administrative Assistant. (She has been serving as the Town's Assessing Clerk for the last few months.)

Present:

James Gaffney	Clyde Carson (Board of Selectmen representative)
Ben Frost (Chairman)	Romeo Dubreuil Andy Bodnarik

Don Hall (Vice Chairman) arrived at 7:20 p.m.

Absent: Ben Inman, Diana Corriveau (Alternate)

Also present: Diane Ricciardelli, Town Administrator and Ray Carbone, Recording Secretary.

2. APPROVAL OF MINUTES:

Meeting minutes of Dec. 16, 2019, were not approved pending clarification from member Ben Inman, which will be addressed at the February meeting.

3. NEW BUSINESS

PUBLIC HEARING on proposed Zoning Amendments

Chairman Frost opened the public hearing.

Amendment 1. The Planning Board is proposing to amend the definition of "abutter" in Article III as follows (new language **underlined bold**):

"Abutter" as defined in RSA 672:3; also includes any person whose property has a boundary which is within two hundred (200) feet of any boundary of the land under consideration by the Planning Board, or has frontage on a pond on which the land under consideration by the Planning Board also has frontage.

The Chairman explained that the amendment would change the definition of "abutter" in the Town of Warner Zoning Ordinances in order to make it consistent with how the term is defined in the Town of

Warner Subdivision Regulations and the Town of Warner Site Plan Regulations. It will expand the definition of “abutter” so that more people in the area would be notified about any Planning Board action.

Diane Ricciardelli, the Town Administrator and former Land Use Administrative Assistant, said the change would be “beneficial to residents.”

Andy Bodnarik asked if the words “Planning Board” were needed in the language of the amendment.

Chairman Frost said it might be appropriate to delete both instances where “Planning Board” appears. He then asked the Board if the alteration would be considered a “substantive change” in the wording because that would call for a new public hearing on the amendment in three weeks.

Andy Bodnarik said that, looking over the current Zoning Ordinance, it did not appear that the change was a substantive change.

Chairman Frost polled the members and all members agreed with Andy Bodnarik.

Clyde Carson made a motion to approve the amendment with the small language change to be placed on the Town Meeting Warrant.

Don Hall seconded the motion.

Chairman Frost asked for a voice vote and the Board approved it unanimously, 6-0.

Amendment 2. The Planning Board is proposing the following amendment to Table 1 Use Regulations as follows:

TABLE 1. USE REGULATIONS – Residential

Re-number “4. Accessory Apartment” to “5. Accessory Apartment”

Add “6. Residential uses in conjunction with other permitted uses and with those allowed by Special Exception.” To be allowed by Special Exception in the Intervale District.

Chairman Frost said the first item was simply “correcting a typo” re: the numbers in the table.

Ray Carbone asked if the first item was related to the tiny house issue that Joe Mendola, a local realtor, had raised last year.

Chairman Frost said it did not, and that there is a workshop scheduled for next month where that issue could be addressed.

Regarding the second item, Chairman Frost said that it was related to a change to the Use Regulations in the Intervale District re: Residential, adding “mixed uses.”

James Gaffney said that he’d raised some concerns about the proposal at the last meeting, so they are already on the record.

Chairman Frost said the revised chart would correct the improper numbering sequence on the table on p. 37 of the Zoning Ordinance, and now add a new Use: “Residential uses in conjunction with other permitted uses and with those allowed by Special Exception.” In addition, the Intervale District would receive a “S” designation, indicating that a Special Exemption could be allowed. He said the proposal would allow the combination of residential uses with other permitted uses in the District.

Andy Bodnarik said that if the “S” designation is added, it would create confusion regarding the need for a variance in other districts, according to the table.

Chairman Frost said the solution might be to add “P” for “permitted use” to other columns.

Andy Bodnarik said that there is a need for a diagram illustrating the areas being addressed by the amendment, and that should be included with the amendment.

Andy Bodnarik said if the proposal is listed on the town meeting warrant, it should include a copy of the revised Use Table so residents can understand precisely what they’re considering.

James Gaffney asked that if mixed use-residential is allowed in the Intervale District, which is an overlay on a Commercial District, shouldn’t it also be allowed in the C-1 District? “If we’re going to have housing on top of Market Basket, why not have housing somewhere else? If it’s a great idea for Market Basket, it should be a great idea for every other commercial property.”

Andy Bodnarik said the question is, “Do we want residential housing in the Commercial District?”

Chairman Frost pointed out that residential construction is already allowed in some areas by Special Exception. “Why not allow it by Special Exception in the commercial district, as a mixed use?”

Andy Bodnarik said the idea makes sense because the Town already allows one-family dwellings, two-family dwellings and multi-family dwellings in some commercial areas. The amendment would still require a Board review before construction.

Romeo Dubreuil said that when he visualizes a combination of residential and commercial uses in the Intervale District, he is uncomfortable with the idea.

James Gaffney said that he believes that zoning ordinances should only “prevent the worst of abuses, and not to micromanage what people can or cannot do.” If an Accessory Apartment is a permitted use in the Intervale District, he said, it’s “not a stretch” to imagine a project being constructed poorly, with “unintended consequences.”

Chairman Frost suggested that any building, including a single family home or a commercial property, could be executed poorly,. “That’s up to the owner,” he said.

Andy Bodnarik noted that there are currently single-family dwellings in the Commercial District, but James Gaffney said those structures were “preexisting,,” i.e., built before the establishment of the Commercial District.

Chairman Frost noted that, with a Special Exception, a residence can be built in a Commercial District but a commercial structure cannot be built in a Residential District. If someone wants to establish a residential use in a Commercial District, why shouldn’t they be allowed?

Andy Bodnarik said he’s opposed to allowing residential development in the Intervale District because it could negatively impact further commercial development.

Romeo Dubreuil said he was also opposed to the idea.

Clyde Carson said he favored allowing people the option of living in the area where they could walk to businesses, as part of the concept of a “walkable town.” It could be useful for people who work at McDonald’s to walk to work to from have an apartment over a retail establishment.

Chairman Frost said that he’s found in his professional work that on a national scale, the highest and best use of property is relatively small, mixed-use developments – it’s more profitable for investors and more economical for municipalities providing services. “If we want to be the most inviting that we can to investors looking for properties to develop, than we should give them the freedom to be creative. And part of that freedom is mixing commercial and residential uses in a single development,” he said.

Frost also suggested voting on the changes to the Table discussed earlier in the meeting.

Andy Bodnarik made a motion to approve the changes. Clyde Carson seconded the motion.

Chairman Frost called for a voice vote. It was 3-3, so the motion failed.

Chairman Frost then closed the hearing.

4. **OLD BUSINESS** – None.

5. **COMMUNICATIONS** - None.

6. **REPORTS**

I. Chair’s Report – Ben Frost – None.

II. Board of Selectmen – Clyde Carson – The BOS has decided to hold off on plans to make office renovations in the Town Hall because workers in the building don’t want to see construction during primary voting, etc.

The BOS recently put away funds to complete the new sprinkler system project for the Town Hall.

III. Regional Planning Commission – Ben Inman was not present to make a report.

IV. Economic Development Advisory Committee – James Gaffney said he recently tried to attend a meeting of the EDAC at the local branch of the Sugar River Bank but was unable to gain access through the front entrance. (The meeting was held in a conference room at the rear of the building and the only access was through the back door.) He urged the Board of Selectmen to urge all Town committees to clearly notify the public about how to attend a meeting if it’s not held at Town Hall.)

Diane Ricciardelli said she would notify EDAC about James Gaffney’s comment.

V. **OTHER BUSINESS**

I. Andy Bodnarik reported that there is an effort is underway in the federal Environmental Protection Agency to create an atlas that would show where watersheds are, where superfund sites are, where the Brownfield sites are, etc., and that the updated atlas will add a floodplain map. He said he would forward information about the atlas, which is scheduled to be released on Jan. 15, to both Deb Moody, the Land Use Administrative Assistant, and Diane Ricciardelli, the Town Administrator.

II. Romeo Dubreuil said he would like some clarification in how the Town specifically identifies buildings, structures and setbacks. He suggested a discussion be scheduled for the February workshop meeting, and Chairman Frost agreed.

7. **PUBLIC COMMENT** – None

8. **ADJOURN** – At 8:13 p.m.