

Town of Warner  
Planning Board



**February 3, 2020**

*Approved at April 6, 2020 meeting*  
7:00 PM Warner Town Hall Lower Level

**1. OPEN MEETING/ROLL CALL**

**Present:**

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

**Absent:** Don Hall (Vice Chairman). Chairman Frost asked Diana Corriveau (alternate) to vote in his place, and she accepted.

Also present: Robert Nute, property owner; Deb Moody, land use administrator; Ken Cogswell, unnamed resident (abutter to Nute’s property); Ray Carbone, Recording Secretary.

**2. APPROVAL OF MINUTES**

Chairman Frost noted that the minutes of the December 16, 2019 meeting had not been approved at the January 6, 2019 meeting because a question arose regarding a comment made by Ben Inman, and Inman was not present to clarify.

Inman said that he was using the acronym “SWPP” – i.e., Storm Water Protection Plan – and not any other definition associated with swift.”

Andy Bodnarik made a motion to approve the minutes as amended. Diana Corriveau seconded. Approved unanimously.

Chairman Frost began focusing on the January 6, 2020 minutes. An annotated version submitted by Andy Bodnarik contained numerous changes that are “grammatical and typographical,” he suggested. One exception was a note that questioned whether a final vote had been taken on one of the zoning amendments being considered for the upcoming town meeting. Chairman Frost suggested that the issue had been adequately addressed at the meeting and the majority of the board agreed; the question will be removed from the minutes.

Chairman Frost also noted that the minutes don't reflect the formal opening and closing on the public hearing on the zoning amendments. That information will be added.

Chairman Frost made suggested several other changes: pages in the minutes should be numbered; the words "site regulations" in the first proposed zoning amendment should be changed to "Site Plan Regulations;" that the word "Intervale" was misspelled throughout and should be changed;

Clyde Carson made a motion to approve the minutes as amended. Romeo Dubreuil seconded. The motion was approved unanimously.

### **3. NEW BUSINESS.**

Conceptual Consultation

Applicant: Robert Nute & Heidi Holman

Address: 115 Bible Hill Rd, Warner, NH 03278

Description: Subdivision

Member James Gaffney recused himself from the discussion because he is an abutter.

Chairman Frost noted that the application is subject to a variance granted by the Zoning Board of Adjustment (ZBA) on January 10, 2018. He said that in 2013, the legislature altered the statutes regarding variances and special granted by ZBAs limiting them to within two years of the date that they were granted, unless exempted by a local ordinance enacted by a municipality, or by a ZBA for an specific application. Therefore this variance has expired the applicants have to apply for an extension to the ZBA.

Robert Nute said he understood but that he wanted to meet with the Planning Board to determine how the process would move forward.

Chairman Frost asked if a boundary line survey has been done of the subdivision.

Robert Nute said no., but his original application to the ZBA was for a variance of the road frontage it was conceptual based on the regulations at that time. His proposal is to subdivide a 48-acre lot into one lot of approximate 3.3-acres – there is already a home and barn there – and another approximate 44.5-acre lot. There are no plans to do any further building right now but he would like to do the subdivision so he'd be free to sell either lot in the future.

Chairman Frost noted that the subdivision, at three lots or small, is classified in the zoning ordinance as a "minor subdivision." And, that this point, it does not involved road construction. He said that, at a minimum, Nute would need to hire a surveyor to complete the regulations of the appropriate subdivision application, and that would include some topographical work. "And you'd have to demonstrate the capacity on the

unbuilt lot to support a septic system,” he said – not for state approval, but for the town’s.

Nute said he assumed he’d have to do a metes and bounds survey of the proposed lot to prove the grade was within regulations for a driveway, but he was unsure about the septic system at this time. “Would we still need to prove (suitable) soils?”

Chairman Frost said that would be needed for planning board approval.

Romeo Dubreuil said that since Nute would, in effect, be creating two new lots, he would need to show that both the larger and the smaller lot could support a septic system – even though the smaller lot already has a newly designed septic system installed in 2014. “And you have to show (suitable) well radius, and all the (related) requirements,” Dubreuil said, noting that a surveyor would be able to advise Nute after studying the septic design plan. Romeo Dubreuil said Nute would not need a septic plan for the larger property because it was larger than the state’s minimum five-acre lot size.

As for the town, Chairman Frost noted that in the most recent September 24, 2015 update of subdivision regulations, p. 14, Section V., c.2., a perc test is required for Nute’s subdivision application.

Romeo Dubreuil also had a question about lot size since Nute’s property actually splits across two separate zones – R3 (3 acres minimum) and OC1 (5 acres). Nute explained that the section on the road with the house and barn (3.3-acres) is entirely within the R3 zone, and the larger lot is in the OC1 zone.

In review, Chairman Frost told Nute that he would need to work with a surveyor and a septic designer (for perc test). Nute asked if that meant he would not need to have a complete survey of the larger lot, and Chairman Frost suggested that he would request a waiver from the board for that requirement.

Nute said that there is a quarter-mile road on the larger lot that could be slightly modified to become a driveway when the property is developed. To keep current costs down, he asked the board if, rather than survey the whole road, he would simply have the steep slopes evaluated to be sure they could meet the town’s regulation.

Chairman Frost said that it would be best to have an entire finished topography completed, but the board could make a site walk to determine exactly where some accurate measurements would be desirable. That step would lengthen the application process, he told Nute.

Romeo Dubreuil advised Nute that, based on his experience with similar project, it would be best to have information relevant to the issue clearly explained in his application.

Nute replied that he's bringing 15 years of experience as a civil engineer and architectural designer working on subdivisions in other states to the project.

Chairman Frost said that the board has some jurisdiction over the ultimate design of the lot at the building permit stage but he advised Nute to meet with the fire chief to review fire and life safety code requirements. "There is a checklist that accompanies the minor subdivision application, so go through that and make sure all the information is submitted, or a waiver in writing if one is requested," he said. "The board has the capacity to grant waivers but that doesn't mean we will. "

Nute said he didn't foresee any significant problems with the larger lot. "There's a lot of space to deal with any design challenges."

Romeo Duburiel suggested that Nute especially review the driveway regulations. "It's not that what you're doing now requires a driveway permit," Chairman Frost said, "but you do want to make sure that what you're doing will yield one. So, you want to check with the public works director."

Nute said that the total two-lot property road frontage is 330 feet, and the ZBA variance was for 80-feet of frontage for the larger lot and 250 feet of frontage for the 3.3-acre lot.

Chairman Frost closed the discussion.

## **2. OLD BUSINESS**

Knoxland Farm Equipment approval conditions

Applicant: WEC land, LLC. (Knoxland Farm Equipment)

Property Owner: Michael A. Jones

Property Location: Map 3, Lot 36

Zoning District: C

RE: Site Plan Review for future building additions and a possible new building (the latter would require a separate approval), and a fill-approved area for equipment storage.

Chairman Frost noted that the dealership had come to the board in December 2019 to make an amendment to its existing site plan that would "essentially permit the expansion of the disturbed area, and a location for a potential future building." (A separate amendment would be needed before a new structure could be raised.) He said the board has copies of the amended maps as well as the amendment letter and easement deed.

Several board members raised concerns about the submitted materials. Some pages in the easement deed were not signed and dated, and the Federal Emergency

Management's Letter of Map Amendment information was unclear, they said. Chairman Frost suggested that Deb Moody work with the property owner and Mark Moser of Moser Engineering (who is working with the property owner) to clarify as much information as possible, and that discussion be continued to the March meeting.

Ken Cogswell, a member of the Conservation Commission, said he was at this meeting on his group's behalf to gather more information about the Knoxland project. Chairman Frost said all the documentation is public and that Cogswell is free to review it at the office.

## **5. Communications**

Schedule site walks for Wagner Aggregate, Courser Property, and Fred Hill Property. Chairman Frost said that all three excavation sites have working sandpits that have permit that need renewal this year. He asked Deb Moody to contact the property owners and attempt set up a Saturday morning in April (when snow and ice will likely be gone) for a site walk. (Ideally the three-hour meeting would be: Wagner Aggregate, 9 a.m.; Fred Hill, 10: a.m.; and Courser, 10:30 a.m.) "We just have to figure out the date," he said. The chairman added that he would ask Deb Moody to send out an email message to the board to gather a "critical mass" of members on an mutually acceptable date for the site walks.

## **6. REPORTS:**

I. Chairman's Report - Chairman Frost said that the board had recently received registration information from the NH Office for Strategic Initiative's about its upcoming Planning and Zoning Conference. He encouraged board members to attend, noting that the town pays for the registration. Registration opens April 6 for the May 30 program, and the chairman suggested that interested members registered early because the event has filled up in recent years.

II. Board of Selectmen - Clyde Carson reported that his board is actively working on preparing budgets for the annual town meeting in March. In addition, the town is looking for a new Welfare Director.

III. Regional Planning Commission - Ben Inman said that the commission had a great meeting on January 9. It featured a guest speaker from the state's cyber security office who addressed potentials for municipal security cyber threats. He said that Primax, a risk management company, is hosting a summit focused on the threats on April 8 and that town leaders (selectmen, etc.) and/or town administrator are encouraged to attend, bringing ideas, concerns, etc. The NH Municipal Association's website should more information about the event, Ben Inman said.

IV. Economic Development Advisory Committee - James Gaffney said the group has a meeting scheduled for this week and he will try again to attend. (There was some confusion about the entrance to the meeting place last month.)

V. Board Workshop – Chairman Frost noted that the members have raised several issues that could be the focus of future workshops. Romeo Dubreuil suggested studying the definition of a “building” and a “structure” in town zoning regulations, as well as the application of zoning setbacks regarding septic systems. In addition, the issue of tiny houses had been raised several times in the last few years, although exactly how the board would study the issue is unclear at this time.

After a brief discussion about the topics and possible dates, Chairman Frost suggested putting off a workshop meeting until March 16, when Dubreuil’s zoning concerns could be addressed.

The next regular board meeting is scheduled for Monday, March 2.

**7. PUBLIC COMMENT & ADJOURN.**

There was no further public comment and the meeting was adjourned at 8:00 p.m.