



Town of Warner

Planning Board

Meeting Minutes

(Approved Oct. 5, 2020)

September 14, 2020, 7:00 PM,

No physical location for this meeting; it was conducted via Zoom.

1. OPEN MEETING and ROLL CALL

At 7:03 p.m., Chairman Ben Frost called the meeting to order and made this statement: "As Chair of the Planning Board, I am recognizing that an emergency exists and I'm invoking the provisions of RSA 91-A: 2,III (b). Federal, state and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is essential to the continued operation of the Town of Warner government and services which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location. At this time, I also welcome members of the public accessing this meeting remotely, and even though this meeting is being conducted in an unusual manner and under unusual circumstances, the usual rules of conduct and decorum will apply."

ROLL CALL: Ben Frost (Chairman), 1 other in residence; Don Hall (Vice-chairman), 2 others in residence; Clyde Carson (Board of Selectmen rep.), alone; Andy Bodnarik, 1 others in residence; Ben Inman, 1 other in residence; James Gaffney, alone; Diana Corriveau (alternate) 2 others in residence. [Chairman Frost appointed Corriveau to vote instead of Romeo Dubreuil, a board member who was absent.]

Also present: Ken Milender, Chairman of the Warner River Local Advisory Committee; Diane Ricciardelli, Town Administrator; Deb Moody, Land Use Administrator; and Ray Carbone, Recording Secretary

Chairman Frost announced that he had received a message from Ben Osgood, engineer and representative for Comet, LLC, asking that the continued public hearing scheduled for tonight be postponed until the board's October 5 meeting.

2. APPROVAL OF MINUTES

With minor revisions, Chairman Frost proposed a motion to approve the July 6, 2020 minutes as amended. Andy Bodnarick made the motion; Ben Inman seconded. ROLL CALL: Don Hall, yes; Clyde Carson, yes; Andy Bodnarik, yes; Ben Inman, yes; James Gaffney, Diana Corriveau , yes; Ben Frost, yes. Motion passed unanimously.

With minor revisions, Chairman Frost proposed a motion to approve the August 3, 2020 minutes as amended. Andy Bodnarick made the motion; Ben Inman seconded. ROLL CALL: Don Hall, yes; Clyde Carson, yes; Andy Bodnarik, yes; Ben Inman, yes; James Gaffney, Diana Corriveau , yes; Ben Frost, yes. Motion passed unanimously.

3. NEW BUSINESS

A. Public Hearing – Application for Site Plan Review

Applicant: CK Realty Warner, LLC (Cyr Lumber)

Agent: J. E. Belanger Land Surveying, PLCC

Address: 717 Route 103 East, Warner, NH

Map/Lot: Map 3, Lot 51-1

Zoning: C-1

Description: Construction of a New Covered Lumber Storage Building

Chairman Frost invited Jacque Belanger to give the board an overview of the proposed project.

Jacque Belanger said that Cyr Lumber had purchased the site from Hamilton Building Supply and that the planned structure will be a garage-type facility, with a roof and two open sides, that will be used primarily as a storage facility. The proposed location of the new 58-by-100-foot structure is at the north end of the lot, behind the current building. It will be open on both sides with space to serve as a drive-in facility. (He said he believes the drive-in space would only be used for a company forklift but is not entirely sure.)

Jacque Bellanger said that one of the written comments made by Matthew Monahan, the town's "circuit rider" planner, was about the lack of a set floor description in the plans but the engineer said that it will be a concrete slab, "pretty similar to what's there now." He said there are no plans to do any tree clearing or any other significant landscape alteration.

Chairman Frost said that he's a customer of Cyr Lumber, as he's sure that other board members are. He said he didn't see that as a conflict-of-interest issue, wanted to have it on the record.

The chairman then began reviewing the plan's checklist and noted that he wasn't sure exactly where the new building is planned. Jacque Bellinger said it would sit "over the existing gravel storage area."

Chairman Frost said he didn't see that drainage would be any problem because the "entire area is already compacted, so it acts as an impervious surface."

Andy Bodnarik asked about a right-of-way that was not clearly shown on the map. Jacque Bellinger said that the right-of-way is constructed and that it "wraps around the back side of the mobile home" adjacent to the lot, so it will not pose any problems.

Chairman Frost said that he considered the plan sufficiently complete for the board to accept the application for consideration. Ben Inman made a motion to that effect and James Gaffney seconded. ROLL CALL: Ben Inman moved the motion; James Gaffney seconded. ROLL CALL: Don Hall, yes; Clyde Carson, yes; Andy Bodnarik, yes; Ben Inman, yes; James Gaffney, Diana Corriveau, yes; Ben Frost, yes. Motion passed unanimously.

One of the board members asked if there was any plans to put exterior lighting on the building and Jacque Bellinger admitted that he wasn't sure. Chairman Frost noted that the town's regulations would require exterior lighting to be "aimed low" so as to avoid creating a road distraction for drivers.

Andy Bodnarick asked about a silt fence on the map, noting that its location was not entirely clear. He said that a written comment by Matthew Monahan, the town's "circuit rider" planner, seemed to indicate that there should be another silt fence. Jacque Bellinger said he was unsure about that. Chairman Frost said that he thought what is shown on the engineer's plan is sufficient.

Andy Bodnarik asked if the company is planning to put up any signage and again Jacque Bellinger said he was unsure.

Chairman Frost noted that there were several waiver requests included with the application.

First, a request for a waiver from the town's landscaping regulations (site plan regulations, Section XVII), "Given that this is almost entirely impossible to see from the public way, I believe it's appropriate to waive the landscaping standards," he said. James Gaffney made a motion to that effect; Ben Inman seconded. ROLL CALL: Don Hall, yes; Clyde Carson, yes; Andy Bodnarik, yes; Ben Inman, yes; James Gaffney, Diana Corriveau, yes; Ben Frost, yes. Motion passed unanimously.

A second waiver is requested from the town's regulations related to soil erosion and related control issues (site plan regulations, Section XVIII). Chairman Frost noted that the site is already developed and the soil compacted. The proposed introduction of a silt fence would probably be an improvement, he added.

The chairman proposed that the relevant regulations would be waived. Clyde Carson made that motion and James Gaffney seconded. ROLL CALL: Don Hall, yes; Clyde Carson, yes; Andy Bodnarik, yes; Ben Inman, yes; James Gaffney, Diana Corriveau, yes; Ben Frost, yes. Motion passed unanimously.

The third waiver request is related to the town's traffic flow regulations. Clyde Carson asked Jacque Balanger is the building was going to have customers, noting that there are similar businesses, like the Lumber Barn in Bradford, that allow customers into structures that permit drive-thru areas. Jacque

Bellinger said he wasn't sure but that he understood that the building was primarily a storage area. Chairman Frost suggested that Cyr Lumber would likely have insurance-related concerns in that case.

Chairman Frost suggested that the relevant traffic flow regulations (site plan regulations, Section XX) be waived. Don Hall made that motion; Andy Bodnarik seconded. ROLL CALL: Don Hall, yes; Clyde Carson, yes; Andy Bodnarik, yes; Ben Inman, yes; James Gaffney, Diana Corriveau, yes; Ben Frost, yes. Motion passed unanimously.

Finally, the chairman noted that there was a waiver request regarding the zoning regulation requiring colored plans be submitted. He said that since the structure would be at the back of the lumberyard, it would be appropriate to grant the waiver to site plan checklist item A1-G.

Ben Inman made that motion; Don Hall seconded. ROLL CALL: Don Hall, yes; Clyde Carson, yes; Andy Bodnarik, yes; Ben Inman, yes; James Gaffney, Diana Corriveau, yes; Ben Frost, yes. Motion passed unanimously.

Chairman Frost suggested that the permit include two conditions: 1. If exterior lighting is used, it must be pointed downwards; 2. the right-of-way be more clearly noted on the plans.

The chairman closed the board's review and opened the public hearing. No one made a comment and the application returned to the board's consideration.

Don Hall asked if it was necessary to list the lighting issue as a condition since it's already listed among the necessary zoning regulations. Chairman Frost said he thought it would be helpful for the applicant.

The chairman suggested the board approved the application, with the listed conditions. Don Hall made the motion; Andy Bodnarik seconded. ROLL CALL: Don Hall, yes; Clyde Carson, yes; Andy Bodnarik, yes; Ben Inman, yes; James Gaffney, Diana Corriveau, yes; Ben Frost, yes. Motion passed unanimously.

Diana Corriveau left the meeting at 7:48 p.m.

Chairman Frost asked Jacques Balanger to submit the new plans within 60 days. Without objection from the other members, the chairman said he would sign in as approved on behalf of the whole board.

4. OLD BUSINESS

A. Continued Public Hearing – Application for Site Plan Review

Applicant: Comet, LLC

Agent: Benjamin C. Osgood Jr., PE

Address: Route 103 West, adjacent to the Barbara Annis Roundabout

Map/Lot: Map 35, Lots 4-1 and 4-2

Zoning: C-1 and Intervale

Description: 7,000 square-foot retail building and drive-through donut shop

As noted earlier, the hearing is postponed until the board's Oct. 5 meeting.

B. Discussion: Excavation Permits renewals due in 2020. Schedule site walk for Warner Aggregate.

Deb Moody, Land Use Administrator, reported that she'd connected with the owner of Warner Aggregate and the site walk is scheduled to take place this coming Saturday, Sept. 19, at 9 a.m.

Don Hall asked if the town is obligated by state law to do site walk inspection of sandpits. Chairman Frost said that state regulations require an inspection by a designated "regulator" and that, in Warner, that role has been assigned to the Planning Board. Don Hall said that there are only three sites in Warner and he's concerned that the inspections "only annoy people." Chairman Frost said that the role of regulator could be reassigned but that change would have to be at a town meeting.

Andy Bodnarik said he's been frustrated because there are no guidelines about the inspections. "It's very nebulous," he said. "What are we supposed to be looking for?" Chairman Frost said that the basic goal is to make sure that the pit is some distance from the water table.

C. Discussion: Capital Improvements Program (CIP)

The Chairman said that the Land Use Office has heard from department heads about the board's upcoming CIP hearings. Some have asked for extra time. The formal deadline was last week. The board members should have all department materials before the relevant meetings. Chairman Frost said he will ask Deb Moody, the Land Use Administrator, to set up appointments with the department heads, in the Zoom format. (The board has scheduled meetings the next two Mondays, Sept. 21 and Sept. 28.) If another meeting is necessary, it should be scheduled for the week of Sept. 28. That way, the Planning Board's CIP public hearing on Oct. 5 can take place as scheduled.

5. COMMUNICATIONS

None.

6. REPORTS

A. Chair's Report – Ben Frost

None.

B. Board of Selectmen – Clyde Carson

Carson said that all the Town's boards and committees have been meeting by Zoom but the Select Board wants to begin considering exactly how and when in-person meetings may resume. There have

been several suggestions about how to proceed and he wants to form a committee to evaluate the options for moving forward. The committee would consist of one member from the Board of Selectmen, one from the Budget Committee and one from the Planning Board. Chairman Frost said his board would be glad to be participate.

C. Central NH Regional Planning Commission (CNHPC) – Ben Inman

No report, but Ben Inman asked Clyde Carson about a letter recently sent to the Town from the CNHPC about the NH Department of Transportation’s 10-Year Project plan. Carson said the that there are three Warner projects included in the plan: a portion of the Concord-Lake Sunapee Rail Trail; an expansion of the DOT’s Park and Ride facility; and the plan to extend the sidewalk from the downtown area to the business zone near exit 9 off Interstate 89. He said that the Select Board should be able to respond by the deadline, which is the end of October.

D. Economic Development Advisory Committee

Chairman Frost said that group didn’t have a meeting in August but he is planning to attend the next meeting, which should be in September.

7. PUBLIC COMMENT

Chris Collins said he’s representing a Warner business, a landscaping contractor that is looking to purchase two parcels off Interstate 89 in the exit 3 area. (Tax map 3, Lots 39-1 and 39-2). He said the tentative plans are to open a retail store with a workshop in the rear.

Chairman Frost said that Collins should be aware that any building project in that area would be to be of “regional impact” due to it proximity to the town line. As such, other parties, in addition to abutters would be notified of any public hearing, including the adjacent town’s Board of Selectmen and the CNHPC.

8. ADJOURNMENT

Without any further business to come before the board, Chairman Frost adjourned the meeting at 8:14 p.m. NEXT MEETING: Sept. 21, 7 p.m. (Zoom).