



Town of Warner

Planning Board

DRAFT – Meeting Minutes

April 5, 2021, 7:00 PM

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

1. OPEN MEETING and ROLL CALL

At 7:00 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 large gatherings 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 Even though this meeting is being conducted in an unusual manner and under unusual circumstances, the usual rules of conduct and decorum will apply. Please note that all votes taken during this meeting will be by roll call vote.”

ROLL CALL: Ben Frost (Chairman), 2 others in residence; Don Hall (Vice Chair), 3 others in residence; Clyde Carson (Board of Selectmen representative), 1 other in residence; Romeo Dubreuil, 1 in residence; Ben Inman, 1 other in residence; James Gaffney, alone

Also present: Janice Loz,(Land Use Secretary)

Absent: Andy Bodnarik, Diana Corriveau

2. Review of Minutes of March 1, 2021

Page 4: James thought that the conditions should be spelled out in the motion. Chair Frost suggested this could be a footnote in the minutes. James agreed.

James said there should be a comma after the word “approval” in the third line of the motion.

Chair Frost said starting on page 4, the minutes refer to Ben Osgood as “Ben.” This poses possible confusion as there were three people with the name “Ben” at the meeting. He suggests adding Mr. Osgood’s last name to the minutes in the areas he is mentioned.

Chair Frost said on page 4, bottom paragraph, second line: “Pylon” is the correct spelling.

APPROVED – JUNE 7, 2021

It was moved by Ben Inman and seconded by Clyde Carson to approve the minutes of March 1, 2021, as amended.

Roll call vote:

Hall: Yes; Dubreuil: Yes, Inman: Yes, Gaffney: Yes, Carson: Yes, Dubreuil: Yes; Frost: Yes

3. Matthew and Michelle Courser – Minor Subdivision

Jeff Evans, surveyor, was present to go over the plan. Jeff said that about a month and a half or two months ago the Coursers came before the Planning Board to request a lot line adjustment. This was intended to add property to Matthew and Michelle's property to be able to give their son a piece of land to build on. Jeff noted the driveway easement and felt all the requirements had been met.

Clyde said he has heard some issue about the location of the driveway with regards to a culvert. Jeff said that the final plan shows a driveway easement across the remaining land of Matt and Michelle's to towards the reservoir side of the culvert. This will avoid needing a wetland permit.

Janice Loz said she has sent Tim Allen the updated scan of the plan. He didn't comment on it but it was sent to him that afternoon.

Chair Frost shared his screen to show the plan the Board had. He showed where the driveway easement would go to avoid the wetland.

Matt Courser said that he met with Tim Allen and they agreed to change the location of the driveway so it wouldn't disturb the brook or the culvert. He said that Tim wanted the driveway in the location where it is now planned.

Chair Frost said along Bean Road there have been pins set in the stone wall. This was in place of a monument.

The Board agreed that the application for this subdivision was complete.

It was moved by Ben Inman and seconded by Clyde Carson to accept the application as complete.

A roll call vote was taken:

Don Hall: Yes; Ben Inman: Yes; Gaffney: Yes; Dubreuil: abstained*; Carson: Yes, Frost: Yes

*Dubreuil did not find his packet of information in the box so did not feel he should vote.

The motion passed.

Chair Frost said with all applications the Board needs to determine if this development constitutes regional impact.

It was moved by Ben Inman and seconded by James Gaffney to declare that this development did not create regional impact.

A roll call vote was taken:

Don Hall: Yes; Ben Inman: Yes; Gaffney: Yes; Dubreuil: Yes; Carson: Yes, Frost: Yes

APPROVED – JUNE 7, 2021

The motion passed.

The public portion of the hearing was opened.

There were no comments from the public.

The public portion of the hearing was closed.

There were no further comments from the Board.

It was moved by Clyde Carson and seconded by Don Hall to approve the subdivision application for Matthew and Michele Courser with the condition that prior to signing the plan, DPW director, Tim Allen sign off on the plan. A roll call vote was taken:

Don Hall: Yes; Ben Inman: Yes; Gaffney: Yes; Dubreuil: abstained; Carson: Yes, Frost: Yes

The motion passed.

The Board agreed to allow Chair Frost to sign off on the plan once Tim Allen has given his approval.

4. Tyler MacGuyver, Maria Dolter – Bagley Hill Road/Route 103 – Consultation to Determine a Proposed Use Classification and Possible Recommendation to the ZBA.

Maria is the attorney for the project. The applicant is proposing to construct a landscaping business building on the property. Maria said that she believes the use fits under “Professional and Business Office” in the table. The question is that it is also a landscaping business, not retail. There will be some open storage on site such as bark mulch, rocks and loam. They are aware that they will need to get a Special Exception through the Zoning Board. She thought a use in the ordinance of “Retail and Maintenance” looked like it fit.

Maria said she and the applicants wanted to make sure they cover the entire uses all at once and then go for their site plan review. She knew they would have to get Special Exceptions and wanted to make sure they were asking for the appropriate ones.

Chair Frost confirmed that there was no retail sale of equipment. Maria said this was true. Chair Frost asked if equipment would be serviced on site. Tyler said they will do regular maintenance on site but their major repairs will be done off-site. Chair Frost said the closest fit in the Use table was Professional Business Offices and Services. There was also Automotive Repair, possibly.

Ben Inman agreed that the business offices and open storage would require Special Exceptions. Romeo agreed with Ben.

Don Hall asked about the property across the road. Tyler said that property is in the town of Bradford and he isn't familiar with the owner or its use.

Chair Frost said it seemed appropriate to apply for both Special Exceptions for Professional Business Offices and Services, and under Wholesale Transportation and Industrial for open storage of raw materials. He suggested that applying for both at the same time was efficient and incurred no additional costs.

Chair Frost brought up the map on the screen, showing the property and where the proposed buildings would be placed.

APPROVED – JUNE 7, 2021

James Gaffney said the statute doesn't make it appear that this is a project of regional impact. Chair Frost said that Central Regional Planning Council states that projects abutting municipal property should be signed off by the abutters. There was further discussion on what constitutes regional impact.

It was noted that there will be septic and a well on the property. There has been communication with Tim Allen about the driveway and drainage. Tyler said that Tim approves of the plan they have made.

Maria said she will sign up for the next Zoning Board meeting to attempt the two Special Exceptions.

5. Preliminary Conceptual Consultation – Richard Nieder Jr. Pumpkin Hill Road – Subdivision

Chair Frost said there was no map provided to the Board from the applicant, so this would be a preliminary consultation.

Geri and her dad Richard were there remotely. She said she left a map with the original paperwork. Janice said the map was massive and they could not reproduce it for the members of the committee. Chair Frost brought up the tax map to be able to have a frame of reference.

James Gaffney asked if the Nieders owned the property up the hill (lot 4). Geri said they did. She added that they had gotten a survey and permission in 1989 to subdivide the property. She wonders if they have records of the survey; if not, she will have to re-do the survey. Chair Frost said the Town should have that plan on file if it was approved in 1989. He said the plan would also have been recorded at the Registry of Deeds. Janice Loz asked if lot 2 was subdivided. Geri said that it was. Frontage on lot 2 was four feet short of what the town required. It is 247' of road frontage. Janice said there aren't any decisions in the record. The minimum frontage required is 250' and minimum buildable area is 3 acres. Chair Frost said if they only have less than 500' of frontage, they would need to get a variance from the Zoning Board of Adjustment.

Chair Frost suggested that the applicant will need to go to the ZBA for a variance and will need professional help with the application. Mr. Inman said that a surveyor will act as the owners' agent in this application.

There were no questions from the applicant. She would contact Janice to get started on the application.

6. Discussion of Developments of Regional Impact

James Gaffney had asked to take this under consideration. The packet included recommended procedures put forth by the CRPC and other planning commissions. There are no hard and fast rules about this, only recommendations.¹

¹ https://cnhrpc.org/wp-content/uploads/2018/10/CNHRPC-Draft-DRI-Guidelines_October-11-2018-draft.pdf

APPROVED – JUNE 7, 2021

James said that they need to think of what people would “reasonably” view as a regional impact. He read from a list of some development that would fall under this category. He feels that the question is “what constitutes regional impact”? That is what they need to consider.

Chair Frost said this is something they should be addressing with every application. Clyde was concerned about having a “black and white” list for applicants to check “yes or no” on. He prefers to have applicants explain what they are doing and then the Board could decide. Chair Frost noted that the statute says where there is doubt, the Board should conclude that it is a development with the potential for regional impact.

Chair Frost said he would have the North Country Planning Commission regulations sent to the Board and he would try amending their own rules of procedure. James offered to help with drafting the language.

7. Old Business

Communications – Brett Ingold had sent Chair Frost an email about the mural project. They have a design from the artist and the intention is to have it completed this summer. Clyde confirmed that this information seemed correct.

Reports – Chair Frost said there are a couple of conferences coming up from OSI for Planning Board topics.

Board of Selectmen Report: Clyde said the language for the warrant for the agricultural commission is in the town report. It will come up for vote on May 1st. They are thinking of having the town meeting at the Indian Museum. The TAP application for the grant for the sidewalk from downtown to Exit 9 was sent two weeks ago. They are one of five applications within Merrimac County. Warner’s application was rated the top application in the county, which bodes well for their project.

Regional Planning Commission: Ben Inman said they met on March 31st and they discussed the 10 year transportation plan. Intersection safety improvements were on the list of projects as well as bridges in Warner.

8. Public Comment

Ed Mical, Emergency Management Director, said there are new maps for the flood plain. He wondered if the Planning Board would be looking over it and reviewing it. It is suggested that this is done before the maps are made public in the fall. Comments have to be made sometime in April. Janice said she would look further into this. Clyde said he hasn’t seen the maps yet. Mr. Mical said the maps weren’t sent out; they can be downloaded by the Towns to review. Chair Frost said that if any member is interested in reviewing the maps, please do so and correspond directly with Mr. Mical.

There were no further comments from the public.

The meeting was adjourned by Chair Frost at 8:28pm.

Respectfully submitted,

APPROVED – JUNE 7, 2021

Kristy Heath, Recording Secretary

Town of Warner