

Town of Warner  
Planning Board



**APPROVED Meeting Minutes**  
**April 6, 2020 (Approved May 4, 2020)**  
7:00 PM Warner Town Hall Lower Level

*There was no physical location for this meeting. It was held via teleconference.*

**1. OPEN MEETING/ROLL CALL**

At 7:20 p.m., Chairman Ben Frost made this statement: Recognizing that an emergency exists, I'm invoking the provisions of RSA 91-A:2,III(b), permitting an emergency meeting to take place without a quorum of the board in one place. Federal, state and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community and the continuing efforts to combat the spread of COVID-19, and while I concur with that determination, I've found 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 the emergency. As such, this meeting will be conducted without a quorum of this body physically present at the same location. In addition, access to the public is available, and the usual rules of conduct and decorum will apply."

Chairman Frost noted that all votes taken during the meeting would be done by roll call. As he started the attendance roll call, Chairman Frost asked that each member announce if someone else was in the room where they were speaking.

**Present:**

Ben Frost (Chairman) *2 other people in residence*

Don Hall (Vice-chairman) *2 others in room*

Clyde Carson (Board of Selectmen rep.) *1 other in residence*

Andy Bodnarik *2 others in residence*

Ben Inman *1 other in residence*

James Gaffney

Romeo Dubreuil *(was unable to respond during meeting)*

Diana Corriveau, alternate – Joined at 7:40 p.m.; *2 others in residence*

Also present: Mark Govoni, applicant; Jeff Evans, Mark Govoni's surveyor; Ed Michel, abutter; Sandra Bartholomew, applicant; Alice Chamberlain, resident; Gerald E. Roy, resident/property owner; Dr. Jacqueline Germain of Connecticut; Nancy Martin, chairman of conservation commission; Jonathan Lord, resident; David Karrick, resident; Dianne Ricciardelli, town administrator; Deb Moody, land use administrator; Darcie Buskey, Dept. Town Clerk; and Ray Carbone, recording secretary.

**2. APPROVAL OF MINUTES**

Chairman Frost asked for any suggestions for corrections to the February 3, 2020 meeting minutes.

Page 3, New Business - James Gaffney said that Robert Nute's last name was misspelled at least once.

Page 5, bottom - Chairman Frost that Primax, the risk management company, was misspelled.

A motion to approve the minutes as amended was moved by Ben Inman, seconded by James Gaffney. Roll call: Don Hall, yes; Clyde Carson, yes; Andy Bodnarik, yes; Ben Inman, yes; James Gaffney, yes; Chairman Frost, yes. Motion to passed unanimously.

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

A. Applicant: Mark Govoni

Property Owners: Broadleaf Warner, LLC

Property Address: 648 Pumpkin Hill Road, Warner, NH 03278

Property Location: Map 19, Lot 24

Zoning District: R-3

Description: Proposal to subdivide into two lots. Proposed subdivision is for a house and 5 acres from the main parcel.

Chairman Frost introduced the project, noting that it is, by town definition, a minor subdivision. The proposal concerns subdividing a 262 acres lot, separating a five-acre house lot from the main (larger) lot. The chairman noted that both Mark Govoni, the applicant, and Jeff Evans, his surveyor (Evans Land Consulting of Sutton), were connected to the meeting, and that they had submitted the application including the checklist and a waiver request. He invited both to make opening statements.

Mark Govoni confirmed that he did want to subdivide the lots as Chairman Frost had outlined but he added that he is planning in the future to follow up by purchasing an additional 15-30 acres with the goal of adding it to the larger lot after the subdivision. Jeff Evans could be seen by board members but no audio connection was made.

Chairman Frost showed the board a screenshot of the application, including the list of abutters as well as the checklist and waiver request. He noted that most of the information requested was provided.

The chairman said that that point of this hearing was to determine if the application was sufficiently complete for the board to accept jurisdiction over it.

Clyde Carson asked if the total property is in current use. Mark Govoni said that everything but the house and adjacent barn are in current use, and that will remain so even after new property is added, i.e., everything but the five-acre house lot will be in current use. Chairman Frost explained that 257 acres of the present lot would remain in current use.

Chairman Frost noted two waiver requests that were emailed to the board earlier in the day. One deals with graphic "R" scale; due to the size of the parcel, a different scale was appropriate, he said. The second deals with the types of soil, and the source of the soil topology is different than what's in the town's subdivision regulations. He added that no state approvals are necessary for either water service or sewer disposal because the house already exists with an approved well and water disposal system, and the current parcel is well in excess of the required five acres.

The chairman also said that, according to Mark Govoni, the applicant has had difficulty getting up-to-date information from the National Historical Inventory's website, but that he had previously done an inquiry with the website and "no hits" were recorded. He suggested that the issue be left as a "condition of approval" if the board is able to move forward on all other issues. (He added that the information isn't really a waiver-related issue as much as "information that we would need supplied at a later date.")

James Gaffney asked about a discussion at the last meeting about perc tests on the property, and noted Romeo Dubreuil had suggested that the previous owner was told he would need a test on the larger lot in order to do a subdivision. (Dubreuil was unable to respond.) James Gaffney reviewed the minutes of the Feb. 6 meeting, and concluded that the issue was resolved.

Chairman Frost suggested that the application was sufficiently complete to be accepted by the board. A motion to accept was made by Clyde Carson, seconded by Andy Broderick.

Roll call: Don Hall, yes; Clyde Carson, yes; Andy Bodnarik, yes; Ben Inman, yes; Chairman Frost, yes. Motion to passed unanimously. (James Gaffney was not asked; Romeo Dubreuil was unable to respond.)

At 7:40, Chairman Frost noted that Diana Corriveau had joined the meeting, and asked if she was alone. She said that she was.

The chairman asked Mark Givoni if he'd been able to connect with Jeff Evans and the applicant said he was not.

Chairman Frost then presented a screen-share of the subdivision plan. The proposal is for a five-acre subdivision, including the existing house and barn. The property is intersected by a line that separates two zones: R-3 and OC. All monumentation is set.

James Gaffney asked if there was a rationale behind the placement of the monuments. Mark Givoni said he wanted to encompass the small irrigation pond, which dictated the monument locations; he said he uses the pond to irrigate crops.

Clyde Carson asked if the new smaller lot would meet all zoning requirements related to road frontage, lot size, etc. Chairman Frost said that it does. He said that it's well above the required acreage for the zone and that the driveway is preexisting so there's no change to access.

Don Hall asked if this is the former Cooley Farm and whether Mark Givoni was aware of a report that some substances that shouldn't have been buried were on the land. The owner said the state has dug test pits on the property and found nothing objectionable.

Andy Bodnarik asked if there are any deed restrictions on the property. Mark Givoni said there weren't.

Chairman Frost opened up the public hearing. Mark Givoni said that Jeff Evans, his surveyor, was still unable to address the board directly but that he could listen and respond through the owner if needed.

Ed Michel, an abutter, pointed out some issues about the applicant's plans dated February 2020. One is that there's a greenhouse on the smaller house lot that is not shown. Second is that the abutters list and the application show different owners for the property to the north of Mark Givoni's land; Chairman Frost said the board needs to insure that the proper party receives all notices of hearings. Third, Michel said that might be right-of-way on a portion of the smaller lot; Mark Givoni said that there could be a logging right-of-way on the southern edge of the lot but its existence is disputable.

Nancy Martin, chairman of the conservation commission, said she was familiar with the property and asked if Mark Givoni's company owned the property; he said it did. She also noted that, earlier in this meeting, the owner said he is planning to purchase another 30 acres of land in the area. Mark Givoni explained that he would buy the parcel from his company, which is contiguous property about a mile from Bagley Pond. (The company will continue to own the land where the pond is located.) Chairman Frost asked if the new 30 acres would be to the east of the smaller lot, i.e., behind the house, and the applicant indicated that is roughly what he's considering in order to include those fields.

Clyde Carson asked why Mark Govoni applied for the subdivision; the applicant said he doesn't own a house and wants to purchase the land from his company.

With no further comments, Chairman Frost recessed the public hearing and turned over deliberations to the board.

Andy Bodnarik asked if there were any variances or exemptions in the deed. The application indicates none, and Mark Givoni said he wasn't aware of any.

Chairman Frost said that the only conditions he's aware of regarding the application are correcting the name of the owner of Map 19, Lot 23 abutting property, and supplying the National Heritage Inventory (NHI) data when it's available.

Mark Govoni indicated that he's not been able to get the NHI information at this time, perhaps as a result of the ongoing coronavirus crisis. He noted that with an earlier application, he'd submitted a document confirming that the NHI had cleared the land of objections, and the chairman suggested that, without more recent data, the owner should submit the earlier document with his application. The board may find that sufficient, he suggested.

Chairman Frost then turned to the applicant's waiver requests. Clyde Carson made a motion to approve the applicant's waiver requests numbered 1, 2, 3, 4 and 6, and Don Hall seconded. (The chairman noted that No. 6 is related to NHI documentation and is not properly considered a waiver request.)

Roll call: Don Hall, yes; Clyde Carson, yes; Andy Bodnarik, yes; James Gaffney, yes; Ben Inman, yes; Chairman Frost, yes; Romeo Dubreuil was unable to respond, and Diana Corriveau was appointed by the chairman to vote in his stead, yes. The motion passed unanimously.

Clyde Carson made a motion to accept the subdivision application with two conditions: correcting the owner's name on the adjacent property Map 19, Lot 23, and supplying the NHI documentation. (Chairman Frost said that if the applicant is unable to find the original NHI documentation, Deb Moody, the board's administrator, would likely be able to find a copy in the files and add it to this application.) Don Hall seconded.

Roll call: Don Hall, yes; Clyde Carson, yes; DIANA, yes; Andy Bodnarik, yes; Ben Inman, yes; James Gaffney, yes; Chairman Frost, yes. Motion passed unanimously.

Chairman Frost noted that board's standard is 60 days to meet the conditions.

#### B. CONCEPTUAL CONSULTATION

Applicant: Sandra Bartholomew

Address: 57 Kearsarge Mountain Road

Property Location Map 33, Lot 8 Zoning:

Zoning District: R-1

Description: Condominium subdivision of barn and house into two units.

Sandra Bartholomew explained that her proposal is to divide the house in half, separating the original front portion from the later additions she's built. Chairman Frost said two-family structures are a permitted use in this zone, and no new construction is proposed. Therefore, no approval is needed from the zoning board of adjustment; the only requirement is for the planning board's subdivision approval.

Clyde Carson about the difference between this kind of situation and an accessory dwelling unit (ADU). Chairman Frost said that one major difference is that a property owner would also own any ADU; in this case (condominiums), there can be two separate owners for each unit.

Andy Bodnarik asked if there's some special parking requirement for condominium conversions. Chairman Frost said there it would have to comply with the current subdivision regulations.

Don Hall suggested that the owner do a walk-through with the town's fire chief and building inspector because the board will need a letter from each to move towards approval. Chairman Frost encouraged that Sandra Bartholomew contact the fire department to ensure that the proposed dividing wall is fire-rated.

Chairman Frost advised the owner will want to file a subdivision application when she's ready to appear before the board and that she should contact an attorney regarding documents needed for the condominium agreement, which should be part of the application.

#### C. CONCEPTUAL CONSULTATION

Applicant: Gerald Roy

Agent: Jacqueline Germain

Address: 145 Brown Road

Location: Map 15, Lot 32

Zoning: R-2

Description: Residence with occasional use for medical consulting, psychology consulting.

***LETTER FROM GERALD ROY IS ATTACHED.***

Jacqueline Germain told the board that she's planning to "semi-retire" from her medical practice in Connecticut, and do some telemedicine and consulting from this property. She said she's involved with a program at Columbia University working with other doctors and so would occasionally need to meet with three or four other physicians there. She's planning to live in the house with her husband, and two close friends.

Gerald Roy said the building is 11,000 square-feet, and he now lives in a 4,000 square-foot residence section. The remainder of the space is for the conservation of his extensive textile collection. As a result, he does not see any significant change of use.

James Gaffney asked Jacqueline Germain is she was the only person who would be doing any business on the property. She said that the friends who would be living there is a minister and also involved with the Columbia University project so he could be involved with some of the meetings. She said there would be no employees and no signage, but rather an emphasis on peacefully taking care of the property because she, her husband and the other couple are "pretty much" retired.

Gerald Roy said there are five bedrooms in the house and he's lived there alone since it was first constructed. He also said that he's had small groups and seminars with as many as 10 people from museums around the country on the property in the past.

Clyde Carson asked if the prospective applicant is planning to convert the house into a home-business entity. Chairman Frost pointed out that a home occupation business is a permitted uses in all town zoning districts; the applicant would have to address the specific standards about a home occupation business that are in the regulations when the application is officially presented.

Chairman Frost said that Alice Chamberlain had contacted him about the project and was connected to the meeting and he invited her to speak directly to Jacqueline Germain. Alice Chamberlain asked how many people would be living in the house and if there's an intention to build a new practice there. Jacqueline Germain said there would only be two couples and that she's not planning to build another practice, simply continue her current work as a consultant with some telemedicine work; she added that there are no plans for an overnight business-related guests.

Andy Bodnarik said the board may be looking at a conditional use permit. Chairman Frost agreed, noting that if there is any contact with the public at a business site, the board is required to hold a public hearing. In addition, if the property changed hands again, new owners would have to reapply for a permit. Alice Chamberlain asked the board to research if the house location is in an R-2 zone. Chairman Frost said that the zoning would not make any difference in this case but that it would be investigated.

Chairman Frost suggested that Jacqueline Germain review the zoning ordinance section on home occupations and prepare for public hearing before the board.

Andy Bodnarik added that she consider reading over the “use table” in the ordinances.

Chairman Frost closed the consultation meeting.

#### D. DISCUSSION

Excavation Permit renewals due in 2020.

Schedule site walk for Warner Aggregate (Davisville, Courser property (Poverty Plains Road) and Fred Hill’s property (Poverty Plains Road).

Chairman Frost said the item was included principally as a “placeholder” to remind that board that these related site walks are still pending. “I’m hopeful this will be done as early as June,” he said. The board concurred.

#### E. DISCUSSION

Central New Hampshire Regional Planning Commission (CNHRPC)  
Transportation Data Collection Program, 2020

Chairman Frost showed the members the 2020 Request Form from CNHRPC and said that the board participates with other town departments and officials in completing the form, particularly the police and “road agent.” Attached to the form was the traffic counts taken last year at various locations around town. Previously, the board had a subcommittee prepare a map meant to serve as a guide, identifying four different traffic zones in town.

Clyde Carson said that with pending construction of a road bridge on Rte. 127, off Rte. 102, it would be good to know what the traffic counts are in that area. In addition, it would be helpful to know the traffic counts between the downtown area and Interstate 89’s exit 9 because the town is putting together a grant application to the NH Department of Transportation (DOT) for a new sidewalk to be constructed linking the two areas, he said.

Andy Broderick said he’s cautious about the validity of traffic counts at this time because, both regionally and nationally, figures are showing less car and light-duty truck traffic, and more heavy-duty truck traffic. He noted that satellite maps are showing significant drops in certain engine emissions.

In addition, Andy Broderick asked if the town was going to see DOT road paving construction going on through town. Ben Inman said he’s not yet seen anything regarding a schedule for that work; he’s also concerned about a possible increase in traffic during the next two years (especially this summer) due to restricted lanes on Interstate 89 between exits 8 and 9 related to construction work on the highway.

James Gaffney asked if the board’s map included a traffic counter on Pumpkin Hill Road, between Webster and Pumpkin Hill, and one on the Schoodac Road section that connects to

Webster, etc. He said those two routes are heavily used, and that he's particularly seen a surprising amount of heavy truck traffic on Schoodac.

Chairman Frost noted that there is a traffic counter at Poverty Plains Road.

Ben Inman said there is a three-ton restriction on Schoodac Road at this time because of damage to a culvert at Lake Winnipocket. It's currently patched with steel plates and he's unaware of any plans to move ahead with a full repair at this time, he said.

Chairman Frost said it would be interesting to do a traffic count now and a later one after the culvert is repaired, to see if the numbers change at all.

James Gaffney suggested that traffic counts be done at the No. 10 location as well as at the No. 6 location on Pumpkin Hill Road.

Chairman Frost asked about counters in the downtown area. Don Hall suggested that counter points around exit 9 include traffic around the town's transfer station. Clyde Carson asked if counting traffic related to the I-89 construction was relevant since it would only be temporary. Andy Bodnarik said a counter in the exit 9 area could also indicate traffic that moves between the exit and the Bradford area.

Clyde Carson said that it might be helpful to look at Main Street counts from the past as the board considers this year's counter point.

James Gaffney asked about the town using a counter for transfer station area but Chairman Frost said the town doesn't set counters; it's work done by the CNHRPC, who have a contract with the NH Department of Transportation (DOT). Some locations are set (including one on Rte. 103 at the Sutton town line), he said, but some are discretionary and it's the latter the ones that the town can suggest.

James Gaffney said that if the town could measure traffic in-and-out of the transfer station, it could minus that number from the total Rte. 103 total in the area to get a more accurate idea of the overall traffic. Chairman Frost said the counter at the Sutton town line measures Bradford-related traffic.

James Gaffney said he's particularly interested in the Pumpkin Hill Road count. The roads there are in need of repair and accurate traffic counts will help the town's appeal for work from the state and the county. He added that some work might also be in the curve area where a guardrail has created a problem for heavy-duty trucks.

Romeo Dubreuil tried again to join the conversation but was unable.

Clyde Carson asked Ben Inman about traffic counts in the area near the Rte. 127 bridge construction, and the representative to the CNHRPC said that has already been done, as well as an anticipated traffic count of what impact the project will have. Chairman Frost noted that there is a traffic counter on Rte. 127 on the Webster side but that it might not be completely helpful for Warner's concerns.

In conclusion, Clyde Carson again advocated for a downtown counter that would support the sidewalk grant application; Diana Corriveau agreed. Clyde Carson suggested setting a counter at the area of Kearsarge Mountain Road and one near I-89's exit 9. Ben Inman suggested that adding a counter on W. Main Street by the Community Action Program building could provide the most accurate count for the grant application. Chairman Frost noted that would be immediately west of Roslyn Avenue.

Ben Inman agreed with James Gaffney that new counts on the roads that lead to Webster area is important. Andy Bodnarik said that two counters (No. 6 & 10) would provide that information. He added that another No. 6, near exit 8, would also be a good location for a counter; it would be on Rte. 103 off exit 8, heading towards town.

Chairman Frost said that Police Chief Bill Chandler and Tim Allen, the director of public works and road agent, will also make suggestions and "some kind of combination" of their ideas and the board's suggestions is what will be sent to the selectmen. Clyde Carson said the board of selectmen makes the official submission to the CNHRPC.

Don Hall asked about a building recently constructed on School Street by Burrington Builders of Warner, that includes an apartment. Chairman Frost said that structure is a single family home so the board has not had a hearing about the project, but the apartment is probably permitted as an accessory dwelling unit. Chairman Frost advised that the best thing to do would be to make the selectmen aware of the situation.

#### **4. OLD BUSINESS**

##### **A. Knoxland approval conditions**

Chairman Frost said there has been no further communications with Knoxland.

#### **5. COMMUNICATIONS**

Chairman Frost said there has been no relevant communications.

#### **6. REPORTS**

##### **A. Chair's Report, Ben Frost**

Chairman Frost said there's no report.

##### **B. Board of Selectmen/Clyde Carson**

Clyde Carson was no longer at the meeting.

##### **C. Regional Planning Commission/Ben Inman**

Ben Inman reported the CNHRPC has instituted some of the recent measures he's suggested regarding the COVID-19 pandemic, including the statement Chairman Frost read at the opening of this meeting. He suggested the board members look at the commission's website, <http://cnhrpc.org>, and click on the link for "Emergency Order #23" to read about "Temporary modification of municipal and local government statutory requirements."

In addition, Ben Inman reported that both the last commission's commission meeting and its task force meeting were cancelled.

Chairman Frost said that he understands that both he and Andy Bodnarik are still on the CNHRPC, even though their official terms have ended. They're considered "hold-overs" for as long as needed, he said.

Ben Inman said the CNHRPC meeting has been rescheduled for June 11.

D. Economic Development Advisory Committee/James Gaffney

James Gaffney said he's not attended any recent meetings. Chairman Frost said he understands that the last one scheduled was cancelled. James Gaffney said he would look into another meeting was scheduled for teleconferencing.

## **7. PUBLIC COMMENT**

There was no public comment.

## **8. ADJOURN**

Chairman Frost adjourned the meeting at 9:10 p.m.

*NEXT MEETING: Monday, May 4.*