

# UNAPPROVED MINUTES OF AUGUST 2, 2021



## TOWN OF WARNER

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### Planning Board Meeting

#### Minutes of August 2, 2021

Town Hall Lower Meeting Room at 7:00 PM

#### I. OPEN MEETING and Roll Call

**ROLL CALL:** Ben Frost (Chairman); Clyde Carson (Select Board Representative); Romeo Dubreuil; James Gaffney; Don Hall (Vice-Chairman); and Ben Inman.

**Absent:** Andy Bodnarik; Diana Corriveau.

**Also present:** Ray Martin (Warner Village Water District); Richard Nissi (ChemStation); Janice Loz (Land Use Secretary). Recoding Secretary Ray Carbone worked from recording.

#### II. APPROVAL OF MINUTES

Chairman Frost announced that the first order of business would be to consider the draft minutes of the Board's meeting on June 2 and July 12.

After review, Vice-Chairman Hall made a motion to accept the June 2 minutes as submitted. Inman seconded the motion. Chairman Frost asked for a voice vote on the motion and it passed unanimously.

After a review and some minor alterations, Gaffney made a motion to accept the minutes as amended. Inman seconded the motion. Chairman Frost asked for a voice vote and the motion was passed unanimously.

#### III. NEW BUSINESS

##### A. Conceptual Consultation

**Applicant:** Richard Nissi, ChemStation

**Owner:** Warner Properties, LLC

**Address:** Depot Street, Warner, NH 03278

**Map/Lot:** Map 32, Lot 003, Map 31, Lot 001

**District:** C-1

**Description:** Potential purchase of Warner Power site and placement of ChemStation.

Chairman Frost noted that the company is interested in purchasing one of the two former Warner Power buildings, the one-story structure closest to the Warner River; the building has a preexisting industrial use.

Ray Martin, representing the Warner Village Water District, said that he's been in discussion with Nissi about the proposed project and that there is hope that he will submit an engineering report produced by ChemStation's national headquarters to address issues related to sewage and water quality in the area. Martin told the Board that he has

## **UNAPPROVED MINUTES OF AUGUST 2, 2021**

another meeting and may have to leave this one before the group has concluded this one but that he will remain committed to addressing those issues.

Chairman Frost noted that this is an informal meeting and introduced Richard Nissi to discuss his company's plans.

Nissi explained that his company, ChemStation, is a national franchising operation with 63 manufacturing centers in U.S.; the company owns about eight of those. (The company's website says it "specializes in providing our customers with high-quality industrial cleaning chemicals using a unique system of delivery with refillable containers, bringing safety, convenience and local services" to businesses.

Nissi said that, since 2004, the company has a 14,000 square-foot facility in Weymouth, Mass., which services the Boston area. Nissi owns that franchise and operates it with the assistance of his son, Jim Nissi. The current Boston organization works largely with fruit and beverage businesses, including Prime Source Foods in Londonderry, Wyman's Brothers, the fruit company based in Maine, and the Gorton frozen seafood company in Massachusetts.

The Nissis would like to expand their business into the New Hampshire-Vermont market and Warner would provide a convenient, centrally located position for the expansion.

Nissi said that ChemStation operates a special system that utilizes a mini-bulk tank with chemicals at each center. Specialized formulations mix the chemicals with water, which are they used by individual customers. Nissi stressed that the Weymouth operations has had no issues (fines, etc.) working with the Massachusetts Water Resource Authority, the Bay State agency that oversees relevant ecological issues.

Vice-Chairman Hall asked Nissi to provide a list of chemicals that will be on the site and permission to do a walk-through (with the Fire Department) at the facility to give the Board a better understanding of the operations. Nissi agreed, adding that only one of the chemicals used in the company's usual process could be considered flammable or hazardous. He added that the company would provide a complete breakdown of both chemicals and the plant outlay to the Fire Department.

In answer to questions from Selectman Carson, Nissi said that his research lead to considering the Warner site some time ago. There are other places in the area that could be viable, such as Concord, he noted, but Warner is the first choice right now. In addition, there is a possibility that the company could move its main operations from Massachusetts to the Warner building, primarily for relevant cost-related issues (rent, etc.), sometime in the future.

In answering other Board questions, Nissi said: There minimal truck traffic with this initial operation, perhaps one or two trucks daily; the plant would likely employ approximately 8-15 workers; this building would be sufficient but if the company adds an additional business (noted in materials submitted to the Board), there may be the need for additional space; the company is waiting to receive a "clean bill of health" from the building's current owners before moving ahead with its plans.

Chairman Frost told the Board that it has to decide if this project should be considered a "Change of Use" in an existing industrial building (with no physical alterations). If so, the Board must do a Site Plan Review; if not, the authority of the Fire Department would be sufficient for the Town. After some discussion among the members, it was apparent that some members wanted more information about the pending operation before making that decision. Chairman Frost suggested that Nissi business submit an application for an "Amendment to the Site Plan" in time to be included on the Board's next meeting agenda.

## **UNAPPROVED MINUTES OF AUGUST 2, 2021**

The Board could review all related information before the September meeting and, at the meeting, either decided against the “Change of Use” idea or in favor provision; the latter could then move immediately into the Site Plan Review, saving ChemStation some time. Selectman Carson added that having a public hearing would be helpful by allowing residents to gather information about any concerns about the chemicals that will be used at the new operation. After further discussion, the Board agreed with the Chairman’s suggestion.

### **B. Capital Improvement Plan (CIP)**

Chairman Frost said he’s made some revisions to the CIP forms used by Town departments in order to streamline the process. He said that the Department Heads until the end of August to submit their forms. That will allow all of the September for the Board to review the requests, in preparation for its first meeting with the Budget Committee in October.

Vice-Chairman Hall said the Board might want to consider stepping back on the more active role it took with the CIP during the 2021 budget-crafting season, based on some feedback he’s received. He wondered if the members weren’t making poor use of their time, since every CIP proposal has to be reviewed by both the Budget Committee and the Board of Selectmen before its considered at the annual Town Meeting. Board member James Gaffney agreed, saying that the Budget Committee and the Select Board could easily set aside the Planning Board’s recommendations.

Chairman Frost noted that the CIP is a Planning Board document and is meant to be advisory for the Budget Committee and the Board of Selectmen.

Board member Romeo Dubreuil said that the Town’s current CIP process could be improved by including comparisons with other, similar towns (size, population, etc.) regarding the costs of CIP projects.

Selectmen Carson said that the Select Board generally looks to the Planning Board’s CIP to help identify long-term needs for the community, regardless of the costs. He also said that, in the past, the Planning Board spread out its CIP responsibilities further, involving other members of the community and even creating subcommittees that worked with individual departments. (Carson added that this Board did not make a formal presentation of its CIP to the Select Board before the 2021 Town Meeting, and Frost said that would be an oversight.)

Chairman Frost said that he understood the concerns of Board members Hall and Gaffney (and noted Carson’s remarks about subcommittees that would come to the full Planning Board with recommendations) the Board would not be able to change its process this year due to the timing. However, in the future, the members could decide to make adjustment to its process.

## **IV. OLD BUSINESS**

### **A. Comet, LLC Conditions of Approval**

Driveway - NH DOT (Department of Transportation)

Chairman Frost reported that the NH DOT district engineer has said that the Comet, LLC plans are ready to move ahead, but there needs to be an agreement in place with the Town regarding the maintenance of the sidewalks adjacent to the site. Selectman Carson said his Board has already reached out to the Town’s Public Works Department/Highway Department to be sure that it understands and agrees to the obligation.

## **UNAPPROVED MINUTES OF AUGUST 2, 2021**

### **B. Town Property Sales Review**

Review Andy Bodnarik's forms and criteria proposal.

Chairman Frost noted that Board member Andy Bodnarik is not at the meeting and wondered if the Board wanted to hold off this discussion until its next meeting in September.

Selectman Carson noted that the process of evaluating and listing these properties has taken some time and that the Select Board would like to put at least two of the properties (on Bodnarik's list of five) up for an auction sale soon; he said the Select Board simply wants to know if the Planning Board believes there is any value to the Town by holding on to the two lots.

After some discussion about available access to one of the lots, potential costs, etc., Chairman Frost noted that the Board's remarks seemed to pose a question: Does the Select Board want the Planning Board to make its recommendation to the Selectman based on some evaluation process, or to simply judge on the two individual lots before the (Planning Board) members tonight?

Carson reiterated that these two lots have already been evaluated and their sale supported by the Conservation Commission. The Select Board wants to move them to the auction company as soon as possible, he said, and while the Selectmen would like the Planning Board's support, the Select Board is not obligated to get it.

Gaffney made a motion that the Planning Board recommends that the property on Map 11, Lot 15, be sold by the Town; seconded by Hall. Frost asked for a voice vote. Motion passed unanimously.

Gaffney made a motion that the Planning Board recommends that the property on Map 12, Lot 36, be sold by the Town; seconded by Ben Inman. Frost asked for a voice vote. Motion passed unanimously.

The Board had a brief discussion about considering the three other properties listed, but Chairman Frost recommended putting those decisions off until a later meeting when the Planning Board has time to consider exactly what criteria it will use to evaluate properties the Select Board may ask them to consider.

### **C. Developments of Regional Impact (DRI)**

Discussion of process, amendment to Rules of Procedure

Chairman Frost said he was not able to review the relevant issues so he recommended putting the discussion aside for now. He noted that he has learned that there is no requirement that the Board hold a public hearing to revise its rules and procedures regarding DRI; Gaffney said he hoped the Board would hold a hearing that would allow public input, when the issue is addressed.

Chairman Frost also said the Board still has to address whether its requirement to notify the Warner River Advisory Committee (WRVC) in certain situations. In addition, there is a provision in state law that requires that the NH Department of Environmental Services be notified whenever there is a proposed development within 500 feet of the top of a bank of a 4<sup>th</sup> order (or, higher) stream or surface waters; the Warner River is considered a 4<sup>th</sup> order

## **UNAPPROVED MINUTES OF AUGUST 2, 2021**

stream, Chairman Frost explained.

### **V. COMMUNICATIONS**

None.

### **VI. REPORTS**

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

None.

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

Carson officially notified the Planning Board that Christine Frost has recently been appointed to serve as the third member of the Board of Selectmen.

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

Nothing new to report at this time.

#### **D. Economic Development Advisory Committee (EDAC) – Ben Frost**

Chairman Frost said the EDAC is holding another meeting soon.

In addition, EDAC Chairman Charlie Albano will be making a presentation before the Select Board tomorrow night to discuss the idea of using a portion of the Warner Community Center ("Old Graded School") for a childcare center.

### **VII. PUBLIC COMMENT**

None.

### **VIII. ADJOURN**

Without objection, Chairman Frost adjourned the meeting at 8:52 p.m.