

**UNAPPROVED MINUTES OF APRIL 4, 2022**



**TOWN OF WARNER**

P.O. Box 59, 5 East Main Street  
Warner, New Hampshire 03278-0059  
Land Use Office: (603) 456-2298 ex. 7

**Planning Board Meeting  
Town Hall- Lower Meeting Room  
Monday, April 4, 2022  
7:00 PM**

**I. OPEN MEETING at 7:05pm.**

**ROLL CALL:**

<b>Board Member</b>	<b>Present</b>	<b>Absent</b>
Ben Frost (Chairman)	✓	
Don Hall (Vice Chairman)	✓	
Andy Bodnarik	✓	
Clyde Carson (Selectmen)	✓	
Romeo Dubreuil		✓
James Gaffney	✓	
Ben Inman		✓

**In Attendance:** Janice Loz – Land Use Administration

**I. APPROVAL OF MINUTES:** March 7, 2022

**It was moved by Clyde Carson and seconded by Don Hall to approve the minutes of March 7, 2022 as submitted. Discussion:** None. **Vote Tally:** 4 to 1. James Gaffney abstained. The motion was approved.

**II. NEW BUSINESS**

**A. Home Occupation Application**

**Applicant:** Daniel Reidy  
**Owners:** Daniel Reidy and Margi Lord  
**Address:** 56 Kearsarge Mountain Road, Warner, NH 03278  
**Map/Lot:** Map 31, Lot 46-1  
**District:** R-1  
**Description:** To periodically and seasonally, from Spring through Fall, conduct the sale of antiques and home furnishings.

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Daniel Reidy said they want to be legitimate about their home occupation business which is buying and selling antiques and helping people sell the contents of their homes. They would like to do it once or twice a month, on a weekend and only during the day. Daniel showed a map of their property and where the sales would be held; in a 14' x 33' garage. They need to sell some things from the garage before they can set up their business there. There will be no electricity in the building although they may set up a wood stove for the colder parts of the spring and fall months to enable them to continue to conduct business.

Chair Frost said an email came in from Toni and Kevin Love who are abutters. Daniel said he understood these individuals had not been noticed. He contacted them directly and asked them to weigh in on their thoughts. The Chair said that the Love family at 51 Kearsarge Mountain Road in Warner had no objection to the plans as presented.

Don Hall asked for a description of parking at the site. Daniel said there is room for about 6 cars on his lawn and other cars would park on the road. James Gaffney asked about the neighboring lot. The neighbor was there at the meeting and had no objection to the plans as presented.

Clyde Carson asked if advertising would be done and then sales held on the weekends? Daniel said, yes. They would also like to try and coincide sales to when other things in town are going on. Andy Bodnarik asked about signage. Daniel said he has a sign from when he conducted a similar business elsewhere (Goffstown, NH), but he understands they would need a separate permit for it. The Chair agreed and said this would be done by the Select Board. For now, they have just been using temporary "Yard Sale" signs.

Andy asked about leaving items by the street. Daniel said they have some farm equipment that may be left out there occasionally. Margi said that some items may accumulate in their yard, which is in transition to another vendor space in another location. Nothing would be left there permanently.

The Chair said that the application was complete, including the collection of fees. He asked Daniel if he and Margi were the only employees. Daniel said they were. The Chair said he understood that the public would be on site. Daniel agreed. The Chair noted that the town's sign allowance was 2' x 2'.

**It was moved by Andy Bodnarik and seconded by Clyde Carson to accept the application for consideration. Discussion: None Voice Vote Tally: 5 – 0.** The motion was approved unanimously.

The Chair opened the public hearing and invited any abutters, physically present first, to speak.

Timothy Scott, a neighbor to the South, said he had a concern about his property and how events may impact it. He doesn't mind working with them to incorporate this project along his property line where he has grapes growing. He would like to put up some kind of a stockade fence to keep the property line defined. The Chair said that he would leave this up to the two parties, to come up with something they can both agree upon. Margi said they have spoken already and their thoughts are that some shrubbery could be used instead of a more traditional fence.

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James wondered if the implementation of this barrier could be a condition of approval. The Chair said that it could be.

Allan Lord, an abutter, was on Zoom and wished to speak. Allan had technical difficulties and was not able to participate in the meeting at this time. He later communicated through text to another attendee of the meeting that he had no problems with the plans, as presented.

Barb Marty asked if any of the sales would be an auction-type event. She wondered if more people would show up from estate sale advertising (from out of town) as would for a regular yard sale. Daniel and Margi said it wouldn't be any more people than have been showing up for the past two years, they have been doing this for that long. They will likely continue to advertise in the Shopper. Daniel confirmed that everything would be stored in the white shed/garage.

The Chair closed the public hearing and asked the board if there were any questions.

Clyde said he is close to being an abutter. He has no problem with the past yard sales they have been held and doesn't see an issue with their plans to continue.

Don said like any of these situations, they always question as to whether or not they ask enough questions. He hopes they ask enough questions before granting approval. It does have possible effects on the surrounding location.

James said something like this can set a precedent for the neighborhood or the whole town. It may be of value to define the frequency of when this type of event will happen. Daniel said they put this in their application; once or twice a month during the weekend, and only during the warm months.

Andy asked how they will deal with the fence or visual barrier and they also need to make sure "For Sale" signs aren't posted on the items in the driveway.

The Chair said he wanted to address the parking. Margi said that generally their driveway will fill up with about four cars, and then overflow cars are parked along the road. It was noted that parking is allowed on the road. The Chair thought perhaps they could direct people to park in the driveway when possible. Daniel said they do ask people to park in their driveway and they do have a sign. They also put cones out at the neighbor's driveway to keep people from turning around there. The neighbor is appreciative of this thoughtful action. Daniel said at least four of the abutters have had or presently have home occupations in that neighborhood.

*Conditions: 1. The hours of operation: 1-to-2 per monthly on weekends, 8am – 5pm, only in the warm months. 2. The sign will be permitted by the Select Board. 3. Display of goods marked "for sale" will be out of public view. 4. Applicant will work with abutter Tim Scott, to come up with a mutually agreeable visual barrier and if they are unable to agree in 30 days, they can come back to the Planning Board to work out an agreement. 5. A parking/directional sign when open for business would be helpful.*

Andy thought that the length of the driveway would permit enough parking. Clyde added that people aren't coming to park for the day; they come in for several minutes to look, buy

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something, and leave. The Chair said that people will naturally try to park as close as possible.

**It was moved by Andy Bodnarik and seconded by Clyde Carson to approve the application with the five conditions as described. Discussion:** None. **Voice Vote Tally:** 5 – 0. The Reidy's Home Occupation application was approved with conditions.

### **A. Consultation – In preparation for modifications to a previously approved site plan.**

**Application:** Knoxland Equipment  
**Owners:** 72 Old Warner Lane, LLC.  
Michael Jones, Marshall Montgomery, Joan Dorn, Mary E. Derry  
**Agent:** Michael Jones  
**Address:** Old Warner Lane, Warner, NH  
Map 3, Lot 34 and 35  
**District:** C-1  
**Description:** Addition to facility

Michael understood that this was in preparation for next month's meeting where the original site plan would be modified. He provided a map, wetland permit, and rough drawing of the floor plan that is proposed. They will be adding 30' in the back of the existing building. The Chair asked if the impact to the wetlands had been completed. Michael confirmed this to be true.

Clyde left the meeting at this point, 7:50pm. There was still a quorum.

Andy said the site plan references the registry of deeds; is this plan on file already? Michael said it was. This had been done in 2018 or 2019. The abutting conservation easement was what had been recorded with the registry. Andy said he was looking at the past conditions of approval that came from the Planning Board in 2011. One of the conditions was "no storage on designated customer parking spaces." They also mention crushed stone on the drip edge and he assumes that has been done. They also proposed building lights. Paving was mentioned as well. Michael said that it was discussed but hasn't been done. He added that the signage hasn't changed at all. Andy said the lighting was completed per the site plan and no added lighting is proposed with this amendment. Andy wondered if the septic system will need to be expanded. Michael said it would not; the additional space is for a service area, not for customer usage. Andy added that the abutting property is under a conservation easement. He didn't think that this building would impact the easement at all. Michael agreed; there is plenty of wetlands between his property and the easement.

It was noted that the Warner River is beyond the distance for consideration of it being impacted.

There were no further questions from the board. Michael said his engineer would come up with an amended site plan for the next month's meeting.

Michael asked if it was permitted to add a roof over existing storage containers on-site. James said there is something in the regulations about permanently stored materials on-site. Storing the containers "inside" this type or structure (pole barn) would eliminate the need to follow the regulations for storing materials. This would be easier than doing a structure with a foundation and sides. Michael said he would like to do this before the end

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of the year. The Chair said when Michael comes back to the board the following month, it would be helpful to have a visual plan to show them what it would look like; they already have the location of this proposed pole barn.

### **B. Annual – Elections of Officers**

The Board decided to table the election of officers until the May meeting.

The Chair said the Select Board can make appointments or members can be elected to the Planning Board. The Planning Board cannot make appointments to the board; that is state law.

### **III. UNFINISHED BUSINESS**

#### **A. Rules of Procedure**

Review draft by the Chair would be discussed at the next meeting. Andy said he thought the draft was a good one. Most of his suggestions were grammar-related. He liked using a footnote to show the associated RSA's.

### **IV. COMMUNICATIONS**

It was suggested that James provide a report on the Agricultural Committee each meeting. James agreed to do so but added that there is nothing to report at this time.

Janice reported that Elizabeth Labbe has been hired as the Town's new Assessing Clerk.

Alice Chamberlin would like a Planning Board representative for the Groundwater Committee. This would be added to the following month's agenda. James said they should be thorough when coming up with a groundwater ordinance. In the past, they have rushed new ordinances and they have not helped to solve a problem. James said the Conservation Commission is heading this up; if they come up with a proposal for regulation it will eventually go through the Planning Board; they can't say "no" to it, but they can only disagree. Don suggested Alice spend some time with the precinct commissioners to review the studies that have been used over the years to make sense of the information; it may make their process better. Andy felt that there was a communication problem with this project. Things that have been emailed to him should really be sent in a hard copy; maps, especially. He would ultimately like a presentation by the Conservation Commission to go over everything with the Planning Board. The application is extensive (28 pages) and he thinks a presentation would be helpful to avoid a "cart before the horse" situation.

James felt that this topic was on the same scale as the sidewalks. If it isn't a transparent and engaging process, it won't go over well at Town Meeting. This is a big deal with potential large consequences. Andy agreed and felt that a lot of this was covered in the terms and conditions. He has a problem with the short timeline to get these things done.

James noted that these meetings need to be made public and noticed.

### **V. REPORTS**

A. Chair's Report – Ben Frost – Nothing to report

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- B. Board of Selectmen – Clyde Carson – Posting for Class V and Class VI roads will be done the following day.
- C. Regional Planning Commission – Ben Inman – Topics were: Electric cars, road surface management system.
- D. Economic Development Advisory Committee – Ben Frost – Hopes to attend EDAC later in the month.

### **VI. PUBLIC COMMENT - None**

### **VII. ADJOURN**

The meeting was adjourned at 8:32 pm.

Respectfully submitted,

Kristy Heath, Recording Secretary  
Town of Warner