

**UNAPPROVED MINUTES OF MAY 2, 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  
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**Planning Board Meeting  
Town Hall- Lower Meeting Room  
Monday, May 2, 2022  
7:00 PM**

**I. OPEN MEETING at 7:00 pm.**

**ROLL CALL:**

Board Member	Present	Absent
Ben Frost (Chair)	✓	
Don Hall (Vice Chair)	✓	
Andy Bodnarik	✓	
Clyde Carson (Select Board)		✓
James Gaffney	✓	
Ben Inman	✓	

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

**Also present:** Conservation Commission Chairman Nancy Martin; Conservation Commission member Alice Chamberlain; Barbara Marty; John Puc; George Packard; Recording Secretary Ray Carbone.

**II. APPROVAL OF MINUTES:** April 4, 2022

**A motion was made by Andy Bodnarik to approve the minutes of April 4, 2022 as submitted. Don Hall seconded the motion. Discussion:** None. **Vote Tally:** 5 to 0. The minutes were approved as amended.

**III. NEW BUSINESS**

**A. Modification to Existing Site Plan**

**Applicant:** Knoxland Equipment, Inc.  
**Owners:** 72 Old Warner Lane, LLC.  
Michael Jones, Marshall Montgomery, Joan Dorn, Mary E. Derry  
**Agent:** Michael Jones  
**Address:** 25 Old Warner Lane, Warner, NH  
**Map/Lot:** Map 3, Lots 34 and 35  
**District:** C-1  
**Description:** Modification to a previously approved plan. Service area expansion.  
Addition to facility

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After a brief discussion, Chair Frost said that the application appeared to be complete enough for the Board to accept for consideration.

**Andy Bodnarik made a motion to accept the application. Don Hall seconded the motion. Discussion:** None. **Voice Vote Tally: 5 to 0.** The Board accepted the application for review.

Chair Frost suggested the Board begin by opening up the hearing to public comments there were no objections from the Board. There were no significant public comments, so Chair Frost closed the public portion of the hearing and returned the application to the Board for consideration.

Andy asked several questions about the deed, and Chair Frost pointed out the deed's language wasn't pertinent to the Board's actions.

Chair Frost said he had two concerns. One was whether the property owner would be able to provide "as-built" information to the Board without delaying the project too severely. The other was about the radius around the structure after the 30-foot addition was built, specifically whether there would be enough room for a Fire Department emergency vehicle to pass through; he suggested the applicant have the Fire Chief Jonathan France visit the site to make an evaluation.

After a brief discussion, Chair Frost suggested that the Board approve the application with two conditions: an approval from the Fire Department (regarding the space around the structure after the addition is built), which can be transmitted to the Land Use office via an email; and, the submission of "as-built" information within the next 90 days.

**Don Hall made a motion to approve the modification to the existing Site Plan with conditions. Andy Bodnarik seconded the motion. Discussion:** None. **Voice Vote Tally: 5 to 0.** The Board accepted the Site Plan modifications conditional on the Fire Department Chief's approval submitted to the Land Use office and an as-built site plan submitted to the Land Use office within 90 days.

### B. Conceptual Consultation

**Applicant:** John S. Puc  
**Owners:** John S. Puc  
**Address:** 131 Waterloo Street, Warner, NH 03278  
**Map/Lot:** Map 37, Lot 006  
**District:** R-2  
**Description:** Divide the property into four lots.

John Puc told the Board that he has three deeds for properties that run alongside the Warner River. He's looking to subdivide the lots into three additional lots. All three will have road frontage and frontage on the river that exceeds current requirements. John said the land is not yet surveyed so he doesn't have the exact measurements, but all three would be approximately 2.1 acres.

Chair Frost noted that since the properties are on the Warner River corridor, John is required to consult with the Warner River Local Advisory Committee before moving forward with his plan. He also suggested that John look at the State's regulations regarding its Warner River Protection zones since those would impact the subdivisions.

John said he's had an initial consultation with an engineer about these issues, but he wanted to appear before the Board in case the members have additional issues he should consider. He

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noted that he's reaching out to neighbors on the road and hopes to meet with them in person before construction begins.

Andy said that John might also want to look at the Town's Flood Plain regulations and whether these properties are either in Zones A or AE, which are defined as flood hazard areas.

Andy asked Chair Frost if this project would be considered a minor or a major subdivision, according to the Town's Zoning Ordinance. Chair Frost said it would be a major one, but when the members looked at the specific language in the regulations, it appeared that it would actually be considered a "minor" subdivision because it would cover an area less than 12 acres.

Chair Frost told John he should also evaluate whether his plan would be using 40,000 square feet of buildable areas; Andy suggested the applicant look at the Town's Subdivision Regulations.

Chair Frost told John that the Town uses a "Circuit Rider" planner, Matt Moynihan, who works for the Central New Hampshire Regional Planning Commission (CNHRPC). Matt has proven to be very helpful for residents who want to do projects like the one he is considering, so he should connect with Janice and she will get him in touch with Matt.

John thanked the Board members for their input. The Conservation Commission Chair Nancy Martin also proposed that John reach out to Tim Blagden, a Warner resident who is associated with developing the Concord-Lakes Sunapee Rail Trail; these properties could be impacted by plans to expand the development of the trail. John said he and Blagden have talked.

### **III. UNFINISHED BUISNESS**

#### **A. Annual - Election of Officers**

After a brief discussion, **Andy Bodnarik made a motion to re-elect Ben Frost as Chair and Don Hall as Vice-Chair of the Board.** (Motions to elect do not require a second.) **Voice Vote Tally:** Unanimous. The Board re-elected Ben Frost as Chair and Don Hall as the Vice-Chair of the Planning Board for term of April 2022 to April 2023.

#### **B. Rules of Procedure**

Chair Frost reviewed the draft Rules of Procedure (ROP). Chair Frost noted that Andy had submitted some changes (mostly grammatical) to the Chair's draft to Janice. She had not had time to incorporate the changes though since she does not have access to the digital file. It was determined she would copy and scan the ROP document and forward it to the Board. The Board will continue the review at the next meeting on Monday, June 6.

#### **C. Groundwater Study Committee**

Chair Frost noted that the Board has been asked by the Conservation Commission to provide a member to serve on the new Groundwater Study Committee. The purpose of the group will be to identify gaps in groundwater protection measures by the NH Department of Environmental Services (NHDES) Source Water Protection Act, and the Town's current ordinance; its first goal will be to review those gaps and define what, if anything, the Committee can add to the ordinance to strengthen the protections where necessary. Both Don and James have expressed concerns about these issues at past Board meetings.

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Conservation Commission member Alice Chamberlain, who is working on the new committee, volunteered to answer any questions Board members may have about its proposed work, either tonight, or at the next meeting; she also invited the members to call or email her with questions or concerns.

Andy said his immediate concern was regarding the relatively brief timeline for the necessary study and the drafting of zoning ordinances changes to be considered at the annual Town Meeting 2023.

Alice acknowledged that it could be a challenge.

Andy noted that the Town could request an extension to the deadline for submitting the draft relevant proposed changes to the Town's ordinances; the extension request would have to be submitted two months before the scheduled deadline.

Don said that approximately 10 years ago the Town did make an effort to bring a groundwater ordinance before the voters but found that the issue was extremely complex.

James told Alice that he thinks most residents want to have clean water but he suggested that educating local property owners about how to achieve that would be more beneficial than creating regulations that only become significant after a spill or other problem.

Alice agreed that education is important. She said that she's glad that Emergency Operations Director Ed Mical is part of the new Groundwater Study Committee because, as a former member of the Fire Department, he's familiar with both emergency procedures as well as what's already in place regarding rule and regulations. The Conservation Commission is also connected with the Central New Hampshire Regional Planning Commission (CNHRPC) and others in the State to get more information for the new Groundwater Study Committee's work.

James suggested that information about groundwater protection (and what residents can do in the case of a spill or other emergency) should be on the front page of the Town's website.

Alice said she would be glad to come to the Board's next meeting to further discuss the new Groundwater Study Committee's work, and who among the Board members may want to serve on the group.

Chair Frost agreed and asked her to return on June 6.

### **IV. COMMUNICATIONS**

Andy said that he recently attended the first session of the Spring 2022 Planning and Zoning Conference presented by the NH Office of State Planning. He said it was very informative.

He cannot attend the second session, which will take place this Saturday (May 7), but he would recommend it to any interested Board members.

### **V. REPORTS**

**A. Chair's Report – Ben Frost**  
None.

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

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

Board member Ben Inman said he attended a CNHRPC event on April 14 that addressed the issue of “form-based” zoning. Form-based zoning aims to foster better development utilizing current forms rather than regulating for similar uses. Ben said that Concord is already looking into this idea for some areas of the city.

Chair Frost agreed that form-based zoning is interesting, and said it is already being used in some places, including Texas. In addition, other New Hampshire communities – including Portsmouth and Lancaster which shares some characteristics with Warner – are investigating its possible use. He suggested that it could be “more welcoming” than current zoning guidelines.

**D. Economic Development Advisory Committee – Ben Frost**

Chair Frost said he was unable to attend the last meeting but hoped to be there for the next one.

**E. Agricultural Commission - James Gaffney**

James said he was he was unable to attend the last meeting but hoped to be there for the next one.

### **VI. PUBLIC COMMENT**

None.

### **VII. ADJOURN**

Without objection, Chair Frost adjourned the meeting at 8:06 p.m.

**NEXT MEETING: Monday, June 6.**