

UNAPPROVED MINUTES OF JUNE 6, 2022



TOWN OF WARNER

P.O. Box 59, 5 East Main Street
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Planning Board Meeting Town Hall- Lower Meeting Room Monday, June 6, 2022 7:00 PM

I. OPEN MEETING at 7:20 pm.

ROLL CALL:

Board Member	Present	Absent
Ben Frost (Chair)	✓	
Don Hall (Vice Chair)	✓	
Andy Bodnarik		✓
Sam Bower (Select Board)		✓
James Gaffney (arrived 7:20)	✓	
Ben Inman	✓	

In Attendance: Janice Loz – Land Use Administration

Also present: Conservation Commission Chairman Nancy Martin, Conservation Commission member Alice Chamberlin, Ray Martin (Water Precinct), Barbara Marty (Zoom), Sam Ingrahm – Meridian Land Services, Inc. (Zoom), David and Suzanne Pendergast

II. APPROVAL OF MINUTES: May 2, 2022

A motion was made by Ben Inman to approve the minutes of May 2, 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. Lot Line Adjustment Application

Applicant: David and Suzanne Pendergast
Owners: David and Suzanne Pendergast
Address: 111 Retreat Road, Warner, NH 03278
Map/Lot: Map 17, Lot 27 & 27-1
District: R-3
Description: Lot line adjustment

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Chair Frost said that David and Suzanne Pendergast were present and explained they came before the Planning Board about this property about five years ago. Since then it was found the best place for a house to be situated on their property was in the wet area. They preferred to move the lot line to allow for a shed to be built.

Sam Ingrahm from Meridian Land Services was present, as he put the plan together. He said it was a simple lot line adjustment. James Gaffney asked if the lot line listed as “former” was actually the current line. Sam said it was. Chair Frost said the Planning Board needed to approve the application as complete.

A motion was made by Don Hall to approve the application as complete. Ben Inman seconded the motion. Discussion: None. **Vote Tally:** 4 to 0. The application was considered complete.

Chair Frost asked if any abutters wished to speak on the matter. An abutter to the north of the property didn't have any concerns. James asked about a detail on the map called “Detail A.” It was noted by Sam Ingrahm this was the area around the cemetery. Ben Inman asked about the monument placing. Sam said the two line segments proposed will create two new corners that will be monumented. Chair Frost said the dimensions were not listed. Sam said that Sheet 1 didn't have enough room to give that detail around parcel “A.” Sheet 2 includes that information and both sheets will be recorded at the Registry of Deeds.

Chair Frost said that a granite bound and an interior pin will need to be shown on the plan. Sam Ingrahm said he could add this to the plan. Chair Frost said there was an inconsistency on lot areas. On Sheet 1 there is a lot synopsis and the areas are different than what is shown on Sheet 2. Sam said he would look into that and make corrections. Chair Frost said on Sheet 2 with regards to the monumentation along the road to the former lot line (granite bound), there is another monument a few feet to the south of it that says “Pin C.” He asked what “Pin C” was. Sam said it is an iron rod with an aluminum cap on it; it was found when they were doing this work and believed it was from the original subdivision that was done prior.

James asked if there had been a driveway there previously that was located on lot 27-1. Sam said he believes the driveway and the house were constructed when the lot was situated. He wasn't part of the plan at that point in time. Mr. Pendergast came to look at the map with James. He said that this was not a driveway. Chair Frost said that it may have been approved a number of years ago but perhaps was put in the wrong place. DPW's jurisdiction is over the placement of driveways; it doesn't really matter in this case. Mr. Pendergast said his builder did put the driveway in the wrong spot but because they were side-by-side family properties, they left it there. This is one of the reasons they are doing this lot line adjustment; to make each of the properties saleable.

A motion was made by Ben Inman to approve the special conditions to the lot line adjustment of David and Suzanne Pendergast on Map 17, Lots 27, 27-1 as discussed. Don Hall seconded the motion. Discussion: None. **Vote Tally:** 4 to 0. The lot line adjustment was approved along with the discussed conditions.

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Chair Frost said that there were two conditions (monumentation and a correction for the area of the lots) that needed to be made. Once the fees are paid, Chair Frost would sign the plan on behalf of the Planning Board.

B. Owner of Reeds North, Steve (?)

Chair Frost said that he had gone on a site walk in May. Steve would offer some outside dining which requires an amendment to their liquor license and their site plan. Steve said they are required to go before the Select Board due to the fact that they would be serving alcohol. The Select Board said that if they wanted to add more seating later on, they would need to come for a site visit. This is a unique situation as the parking area and the sidewalk to the property is privately owned and maintained. The Select Board do not want them to block the sidewalk. However, if they serve alcohol outside, the sidewalk and area has to be roped off. They use the sidewalk mostly for take-out orders and may also have some tiny tables for seating a couple of people to eat their takeout food. They would use the "grassy knoll" to the left of the property to put some tables outside for dining with the option to have a cocktail with the meal. They will only be doing this seasonally and on nights and weekends when the other establishments are closed in town. Steve said he was there as the Planning Board wished to see him about this expansion of use; he was there to answer any questions.

Ben Inman said he was happy to hear that the owner was working with his neighbors. He thinks they are planning a safe spot for outdoor seating. Don recalled that the previous occupants of that space have a couple tables outside also.

Ben asked about lighting and other details, such as marketing items and décor that might make its way outside. Steve said they want anything that is put outside to be tasteful. The very small tables they plan to use will go along with their antique theme and the tables on the grass may have an umbrella but nothing in bad taste.

James asked if they would use outdoor heaters or pest control devices. Steve said possibly, so they can extend their outdoor dining season.

Chair Frost noted that this was a conceptual discussion and that no formal vote was required.

III. UNFINISHED BUISNESS

A. Groundwater Study Committee – Alice Chamberlin

Alice said she was there along with Nancy and Ray Martin. Nancy is the Chair of the Conservation Commission and Ray is a representative of the Warner Water District. The grant they have come to discuss originated with the Conservation Commission but the Ground Water Study Committee has also received support from the Selectmen. She said that Don Hall had noted that a lot of work had been done looking at the water resources

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between exits 9 and 7 in earlier years. He didn't think that they needed to reinvent the wheel by redoing this study. Alice shared that the technical work that is needed is to update the contaminant resources; this was done with Central NH Regional Planning Commission so no, the other work would not be repeated. Alice said that the study Don mentioned doesn't have anything to do with what they are doing now. They are not looking for a new well site. Don recalled that in the past there were substantial resources identified. He said this was an extensive study and drew a clear picture of what was under the Town. The concern is watching what develops around the exit 7 area because there is an area there that is being subjected with being in close proximity with the water's surface. In looking at any specific area that would be one of the most detrimental; at some point this area will need to be rehabbed. Alice said that this would be included in the update of potential contaminants. The goal with this project is education and awareness and they will need to navigate this topic carefully with the landowners in that area. Don said that this was to be taken as a point of interest.

Alice said that James Gaffney had brought up some important things. One is that the most important way to protect the water is to educate people, which is a big part of the grant. Another thing was the issue of the overreach of a new ordinance. She said that this is why the Planning Board is involved. Nothing happens on a new ordinance without the Planning Board. James said that this wasn't exactly true; the Planning Board's opinion does not make or break a new ordinance. Alice said that they would like to have the support of the Planning Board. She said that they didn't use the term "Gap Analysis" but they need to look at the gap between the state and town regulations to protect the Town water.

James said without this analysis, he doesn't know how any of this moves forward. They will more than likely duplicate or conflict with what exists with state law. He said the Planning Board offered its support to this idea when he wasn't present. He didn't think the application was completely reviewed and found some questionable language. It states that the right thing for Warner is to propose and try to adopt some kind of groundwater ordinance, but this doesn't seem possible without having a gap analysis. What are the applicants of this grant trying to resolve? There is also a piece that says that the Town will be punished if they don't follow through on the grant application. James said he feels there are parallels between what went on with the sidewalk application grant and this grant. His concern is that although it is a difficult thing to do, it hasn't gone to the Town first. He thinks that the order is wrong; it is broad based and he feels that the Town should be consulted before the committees, etc. If the Town is going to ask for money for which there are conditions and consequences, that is what should be floated to the legislative body of the Town; the voters assembled at Town Meeting. James said he recognizes this is not an issue with Alice, but more so the grant, itself and how it is administered.

Alice said that everyone is highly challenged with their time constraints and their volunteer hours available to participate on the Committee. She suggested that if a volunteer from the board can't be found, there are tasks that can be staffed by Central NH Regional Planning Commission. She would then be able to come to the Planning Board to report on how the work and studies are going. Later on, someone from the Board can engage closer with the others on the Committee.

Alice asked that the Committee meetings be held during the day, as one volunteer on the Committee is in the area during the day but not at night. James thought daytime meetings would eliminate the majority of the others on the Committee as they are working. Chair Frost said someone will always be unable to attend the meetings; one time is not likely to

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work for everyone. Alice said that perhaps they would meet every six weeks.

James thought perhaps Andy Bodnarik had an interest in being on the Committee. Andy was not present at the meeting that evening. Chair Frost said he would check with Andy. If Andy cannot do it, he would be willing to sit on the Committee; this is important for a lot of reasons.

C. Housing Committee Discussion

Chair Frost said the hearings were held and there were several petition zoning amendments. When Clyde Carson was the Planning Board Representative from the Select Board, he promised to create a committee to study the housing issue. David Bates pulled back his support in pushing forward amendments to the Ordinances. They are now without a real Select Board champion. Because of this, Chair Frost feels that the Planning Board should take on creation and implementation of a Housing Committee. They are looking to possibly make some zoning amendments for 2023. A grant opportunity will be available very soon from the State. It is a \$100 million planning initiative and \$5 million will go to towns to get professional assistance to look at their housing plans (master plan, zoning regs.) with regards to housing.

James thought the discussion should begin with asking the question of what is the problem that needs to be addressed, and to consider whether or not this is within the Planning Board's wheelhouse. Chair Frost said this was absolutely in the wheelhouse of the Planning Board as they are well-versed in the Master Plan and creating amendments to regulations and ordinances. It has been brought up at forums and meetings that there is a problem with housing availability in the Town (Town of Warner, NH) and in the region. James agreed that there is a lack of available housing. But is it within the wheelhouse of the Planning Board to substantially address this? This is something that frequently causes problems in a municipality. People look for stability within the Town. When a town has frequent, repetitive changes to zoning ordinances, it makes a lot of people and investors question as to whether this is a town they really want to invest money into. It is a bigger issue when it comes to people looking to bring their business into town. They are looking to invest a substantial amount of money with the expectation that at some point, their investment will be realized. James said his opinion is that if they want to sit down and talk about this, that is fine. Before they go down a big rat hole, they need to ask themselves what the anticipated and unanticipated consequences of doing "x, y and z" and is it reasonable to expect some kind of reasonable outcome. He isn't sure that it is. He doesn't feel like the cost or affordability of housing has anything to do with the Town's zoning ordinance.

Chair Frost disagreed. Some regulations pose a barrier to development that would otherwise be reasonable. This limits the ability to build housing and increases costs. James said his answer to this is that there are properties the Town owns that should have already been listed and sold. Chair Frost said that that would be a drop in the bucket. The current regulations are looked at by people who purchase a home because they want to protect their asset. Changes to regulation threaten that asset; he recognizes that.

James said the neighborhood exists as a product of the Zoning Ordinance that existed for decades, to some degree. They have neighborhoods in the Town that are hundreds of years old. Chair Frost said he thought it would be great to have a consultant working for

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the **T**own that could help answer James' questions.

James said he has lived all around the country. He has seen time and time again municipalities muddling with things and screwing them up. There are no consequences. Chair Frost said if things were not done right, it would come back to the Planning Board, as it is their wheelhouse. James said that the Town is liable to implement these ordinances and could then realize that it didn't work out. He said that he and Chair Frost have talked a lot about how the Town seems hostile to businesses coming in; it took ten years for Dunkin Donuts to come to Town. James said that he loves Warner as a rural town. When people approach him, they seem to have the same or similar sentiments as to why they have moved to the Town. If this body is going to start having conversations about changing the playing field, it isn't one that he thinks will be overly popular.

Chair Frost said that a housing committee was promised and support was brought up for changes. If the housing committee does not proceed, changes will come forward anyway. Those are the kind of zoning changes that he believes James would want to avoid. Don said they don't want changes shoved down their throats that they do not want or need. James thought the Planning Board should vote whether or not they, as a body, choose to move forward with this. He said there has been a churn over the last five or six years that has changed with the Board that he doesn't feel has been productive. James thought the Town would benefit from a number of years of stability. That doesn't mean that the Board can't look at things at the same time, but the constant churn is not beneficial, in his opinion. Chair Frost said it that this churn will occur if they choose to do nothing.

Chair Frost said he would quickly come up with a formal proposal. He will not be present at the next meeting, but would bring the proposal to the Board, in August. He said he hears what Don was saying about not shoving things down their throats. Don said this is rural America; if they look at the other towns around them, a considerable amount of new building in Sutton. Six homes in a row; nice homes. He agrees with James in his overviews of this topic. He hesitates when it comes to growth, having been in Warner so long and seeing what has come and gone or what is coming towards them. He doesn't have a lot of time on Earth, but he thinks this would be a hard sell. He doesn't see the overall enthusiasm from people in the community to see them encourage a substantial growth period. Don asked about the Master Plan. What effect would this have on it? Should they look at it before they go too far off the end of the diving board into a pool that doesn't have any water in it? He knows that growth is in the Master Plan.

James said they have talked over the years about looking at the Master Plan and he felt that it needed to be updated. 20-30 minutes of work on the plan should be spent at each meeting. There have been other areas of the Master Plan that they have talked about updating recently (the Use Table), so he feels that it really should be looked at. At the end of the day, the Master Plan is a Planning Board document and is not binding. Chair Frost agreed and said that was to be continued.

D. Rules of Procedure Review

Postponed until Andy Bodnarik, who is absent, can be part of the conversation.

IV. COMMUNICATIONS

None.

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V. REPORTS

A. Chair's Report – Ben Frost

B. Board of Selectmen – Sam Bower Absent.

C. Regional Planning Commission – Ben Inman

Ben said he would report next month. Chair Frost said that he noticed that the traffic counters were out in the town. He noted that generally the Planning Board had been consulted prior to this happening in the past, but this was not the case this time around. This is generally done through the regional planning commission.

D. Economic Development Advisory Committee – Ben Frost

Chair Frost said there was discussion about daycare at the old Graded School building. He offered to prepare a discussion proposal for the development of economic revitalization zones. This is a state designation for businesses in revitalization zones to write off a portion of their business taxes.

James said he would love to hear more of that at some point. Chair Frost said it is a tax incentive. It has to be a place where there was previous industry and needs revitalization.

E. Agricultural Commission - James Gaffney

James said that there was nothing to report, as they did not meet.

VI. PUBLIC COMMENT

None.

VII. ADJOURN

Don Hall made a motion to adjourn, seconded by Ben Inman. The meeting was adjourned at 8:38 PM.

NEXT MEETING: Monday, July 11, 2022.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of Warner