

# UNAPPROVED MINUTES



## TOWN OF WARNER

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### Planning Board Meeting Town Hall- Lower Meeting Room Monday, November 7, 2022 7:00 PM

#### I. OPEN MEETING at 7:00 PM.

##### ROLL CALL:

Board Member	Present	Absent
Andy Bodnarik	✓	
Karen Coyne	✓	
Ben Frost (Chair)	✓	
James Gaffney	✓	
Don Hall (Vice Chair)	✓	
Ben Inman		✓
Lois Shea (Select Board)	✓	

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

**Also present:** Alice Chamberlin (Groundwater Committee), Mike Tardiff (CNHRPC)

#### II. APPROVAL OF MINUTES: September 26 & October 3, 2022, Joint meeting October 12, 2022.

September 26, 2022: Page 2, library should say \$15,000. The name of the library director needed to be updated. Spelling error: “straight.” Page 6, Michael Tardiff has two “f’s” in three places. Page 7, Guardrails, not guiderails. Prohibition against “regulations...” sentence was updated.

**It was moved by Andy Bodnarik and seconded by Don Hall to approve the minutes of September 26, 2022 as amended. Discussion: None. Voice Vote Tally: 6 - 0**

October 3, 2022: Page 1, Fire Department line – type-o

**It was moved by Lois Shea and seconded by Andy Bodnarik to approve the minutes of October 3, 2022 as amended. Discussion: None. Voice Vote Tally: 6 - 0**

October 12, 2022: Page 2, “referenced.” Page 5, incorrect RSA.

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**It was moved by Andy Bodnarik and seconded by Karen Coyne to approve the minutes of the joint meeting of October 12, 2022 as amended.**

### **III. NEW BUSINESS**

#### **A. Groundwater Protection Update - Alice Chamberlin and Mike Tardiff**

Alice said the first component of the grant they are submitting is to create a committee, which has been completed and the committee plans to meet three more times before the end of the year. The mapping includes the aquifer area and the public water supply area. A primary topic will be whether they want to keep the study in this area only, or if they will include the whole town. They are looking at potential areas of contamination and are working with DES on some of the sensitivities around this issue. Most of their work to date has been on public education to let people know what the issues are regarding groundwater. They have published two newsletters and created water fact sheets about Warner's groundwater and had an information table at the Warner Fall Foliage Festival. They will be briefing the AG committee and the Economic Development Advisory Committee. They will hold a public information meeting on December 13<sup>th</sup> for the Town and will provide information about their public water supply and the groundwater in Warner.

The fourth component of the grant is the potential updating of the ordinance with regards to groundwater protection. Alice thanked Andy Bodnarik for the extensive work he has done for the committee so far. He flagged every mention of water in the ordinance, which helps bring attention to the many inferences and references to water in the town.

The committee will look at other towns that have put a groundwater ordinance into their ordinance. They have no recommendations as yet, but their next meeting is November 30<sup>th</sup>. James said he would like to see an evaluation of the efficacy of an ordinance that has been passed in another town. If they have no enforcement mechanism, an ordinance won't accomplish anything. The majority of the town is made up of residents and they are the ones most concerned with their water. Chair Frost said anything in the Zoning Ordinance is enforceable, so no special enforcement would need to be created for an ordinance having to do with groundwater. James thought that enforcement of ordinances in the town has been spotty and referenced the sign ordinance. Chair Frost said showing efficacy in other towns is a difficult thing to prove. The only proof of performance is if it fails. James said if a town had to enforce their ordinance, there should be a public record of it, which would be accessible.

Alice said their committee has to wrestle with a groundwater ordinance that is more protective than the one they currently have. Other towns have prohibitive uses in very sensitive areas, it will be difficult to determine how Warner handles this. Junk yards, hazardous waste storage areas, large groundwater draws, etc., are examples that other towns prohibit over aquifers. This is the kind of thing that the committee is going to be looking at and bringing ideas back to the Planning Board to consider. Alice offered that

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the committee understands they are on a tight timeframe and her recommendation is that they would bring this information forth to the Planning Board by the end of 2022.

Mike Tardiff said it has been interesting to learn about the aquifer and that they are drawing water at 46-feet and how low that is. They've talked about the mapping and geography and will be discussing bringing different staff in to expand the discussion, including more kinds of aquifers that are at a smaller scale.

Andy thought there had been a lot of good contact with the Emergency Management Committee. He said that they've done half the job with regards to looking at the regulations, as James had suggested. He did not go through the RSA's yet. He is concerned with toxic chemicals which need to be identified. Hazards can occur in areas other than over aquifers. Education is important to reach out to people to let them know about things like the hazardous waste collections and to dissuade them from just dumping on their land. They talk about groundwater in terms of excavation a lot, and in some cases the ones closest to the river, there has been a hydro-geologist on site for them to talk to. There is also the unknown about the hazards that might occur, which keeps him up at night.

Mike Tardiff said part of the project is to build a database that keeps track of businesses and areas (dry cleaners, junk yards, etc.) to identify the sites where substances present may meet a classification that would be detrimental to the groundwater. They want to make sure that the sites have been looked at and the levels are manageable. James asked if the list they were creating was public. Mike said that it isn't up yet from the town. Andy said that DES has this information available on their website, although it isn't easy to find.

Chair Frost said that the Town's Hazard Mitigation Plan is posted on the Town's website. He asked how the December 13<sup>th</sup> information meeting will be promoted. Alice said that they will have the regular advertising through the town's website and library newsletter. They will also plan to use the electronic road sign. She welcomed other ideas on how to get people to the meeting and to get involved in the education and discussion.

James wondered if the grant would cover an ordinance creation next year if they couldn't get it completed for this coming year. Alice said they could ask for an extension but she was concerned that in 2024 the town will be dealing with housing as their major focus. She understood James' point and agreed that this should not be rushed. Don said they are dealing with both the village precinct and the town. Those who live within the precinct feel very comfortable. They did a survey a number of years ago about extending the precinct to be able to include more businesses and homes in that area. When the scenario was drawn up, the cost was exuberant and never gained any headway. They have been a little shy on enforcement because anyone familiar with the district and where the wells are located, that area has always had a dark cloud hanging over it because of some of the things that have gone on down there. There has been no jurisdiction over anyone. Enforcement has been an issue. When you have something within a certain radius of your water wells, it must be dealt with and the town has been negligent about this. James asked

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if they could test for certain substances? Don said that they can test for the things that they are required to, but when there is a known problem, it must be dealt with and not left to remain for months or years.

Chair Frost asked Alice what her budget was. He said a direct mailing to all residents may be a useful method to inform people of their committee and the upcoming meeting.

James asked if they really expected people to turn out for a meeting just 12 days before Christmas. He has heard that the timeline for the grant is terrible. He feels that it is too short, and the grant should be extended. Alice said the meeting is closer to Christmas than she would like, but the town hall wasn't available for meeting the week before. Chair Frost said if an ordinance was to be put forward, they could have a public hearing on the topic at an upcoming Planning Board meeting. James felt the "runway" was too short. It was confirmed that the meeting was to be held Tuesday, December 13<sup>th</sup> at 7:00pm. Andy suggested doing a postcard mailing and not a letter in an envelope. It was agreed that this would be less expensive and still achieve the same goal.

Chair Frost expressed his appreciation for the work Andy did going through the ordinance for the committee.

### **B. Conceptual Consultation – White Clover, LLC.**

**Applicant:** White Clover, LLC.

**Owners:** White Clover, LLC.

**Agent:** Holly Riley

**Address:** 183 West Main Street

**Map/Lot:** Map 35, Lot 003

**District:** C-1

**Description:** Convert office use to store use.

Due to the fact that the applicant was not present, Chair Frost briefly explained the plan. Directly across from the police station is being considered for workforce housing. The owner would like to convert office use to storage use. There is an approved site plan for office use back in 2003. Janice was unable to locate the site plan. The applicant was not online or present at the meeting. She was present about two months ago and was proposing a store and an Inn and they were trying to figure out how to fit what she wants into the zoning ordinance. This is a second proposal for something different to make use of that land.

Don said when that property was established, the original building was residential (mobile home). They then wanted to convert the mobile home to office use.

The applicant would be contacted by Janice to invite her to attend a future meeting with her conceptual review.

## **IV. UNFINISHED BUSINESS**

### **A. Site Plan Comet, LLC. – Continuation of Public Hearing**

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**Applicant:** Comet, LLC. – Adam Quinn  
**Owners:** Comet, LLC., Mike Quinn, Manager  
**Agent:** Jamie Hage, Rath, Young and Pignatelli  
**Address:** Route 103  
**Map/Lot:** Map 35, Lot 4-3 – frontage on Route 103  
**District:** INT & C1  
**Description:** 24-unit apartment building

**NOTE: The applicant has requested a continuation to December 5, 2022.**

Chair Frost said that continuations can continue forward as long as the applicant needs, and as long as they provide a request to continue in writing. There is no deadline where a continuation could not be requested/used.

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

Chair Frost suggested tabling this discussion once again, as the document for review was just emailed to the Board that morning. It was decided that a workshop would be held to discuss possible amendments specifically with regards to Short-Term Rentals (STR). November 21<sup>st</sup> was determined to be the date this discussion would ensue.

James asked if they could broaden the discussion about the STR issue. There were some pre-existing things in their ordinance that could be their primary focus, which he felt needed to be defined. He felt this could be housekeeping and he wanted to address the “low-hanging fruit.” Andy said they should limit the definitions to the terms they need to focus on most. James believed this could be a rather quick discussion. Chair Frost suggested that terms in the Zoning Ordinance that anyone felt needed to be defined, be forwarded to Janice by Monday, November 14<sup>th</sup>. James said proposed definitions could be provided. Chair Frost said that this would be fine, but other suggested definitions should be considered. Don suggested not using examples of definitions from other towns; they need to focus on what is good for Warner.

Janice said that Warner’s Zoning Ordinances are permissive, which means anything not identified as a use is not permitted. Currently, when the residents look at the Ordinances it is not obvious they are permissive. The existence of a Use Table means is indicative that they are permissive. Other towns have a statement explaining this in their ordinances. This may be something Warner would like to add to their Zoning Ordinances.

### **V. COMMUNICATIONS**

Next meeting is November 21, 2022. Agenda items will be CIP, STR Housing discussion, ROP document, Ordinance Definitions to Janice for discussion on the 21<sup>st</sup>.

### **VI. REPORTS**

- A. **Chair’s Report – Ben Frost**  
Nothing new to report.

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**B. Board of Selectmen – Lois Shea**

There was a public hearing regarding an easement on land near the rail trail. There would be a public hearing on sidewalks on Wednesday night. CM Engineering has provided an engineering report for the Transfer Station. An email was sent to everyone with this information on October 26<sup>th</sup>. The first of two meetings on community college in the town has been held. There was a discussion about electricity providers for the town. A question about unanticipated expenses had been raised. The Fire Station's expenses in question could not be considered unanticipated.

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

Ben was absent and could not give a report.

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

The committee has not met since the last report given by Chair Frost.

**E. Agricultural Commission – James Gaffney**

They will meet the following week.

**F. Groundwater Protection Committee – Andy Bodnarik**

Andy said Alice had given an update that evening. It is a lengthy process they are working through. He has found out that each town has its own concerns depending on where they are located.

### **VII. PUBLIC COMMENT**

### **VIII. ADJOURN**

The meeting adjourned at 8:14pm.

Respectfully submitted by,

Kristy Heath  
Recording Secretary  
Town of Warner