



## TOWN OF WARNER

P.O. Box 265, 5 East Main Street  
Warner, New Hampshire 03278-0059  
Land Use Office: (603)456-2298 ex. 7  
Email: [landuse@warnernh.us](mailto:landuse@warnernh.us)

### Planning Board Minutes

Monday, February 6, 2023

Lower Town Meeting Hall

#### I. OPEN MEETING at 7:07 PM.

##### ROLL CALL:

Board Member	Present	Absent
Andy Bodnarik	✓	
Karen Coyne	✓	
Ben Frost (Chair)	✓	withdrew at 7:40 PM
James Gaffney	✓	
Ben Inman		✓
Lois Shea (Select Board)		✓

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

**Also present:** Nancy Martin – Conservation Commission, Steve Hall – Chandler Reservation, Jeffrey Merritt (via Zoom) - Granite Engineering, LLC., Joe Robinson, an owner of the Old Warner Lane property.

#### II. APPROVAL OF MINUTES: January 9, 2023

**Andy Bodnarik made a motion to approve the minutes as amended. Karen Coyne seconded the motion. Vote Tally:** 4 – 0. The minutes of November 7, 2022 were approved as amended.

#### III. NEW BUSINESS

##### A. Conservation Commission - Nancy Martin

Potential acceptance of a donated parcel of 16 acres on North Village Road, Map 9, Lot 28. The donation has to be approved by the Planning Board and then have 2 public hearings.

Nancy Martin said it was owned by a previous Warner landowner that now resides in Sunapee, who offered a parcel of land that has been in her family for generations. The property is an unbuildable lot, due to its steepness, and it abuts the beaver pond. The owner wants the property to be donated to the town, if it is managed by the Chandler Reservation Board of Directors. She has provided to the board a letter written by the property owner and a list of abutters. The Chair said they had the list but not the abutter list. Nancy said she will give the list of abutters to the Board.

The Select Board has held one public hearing on this property. One abutter commented their only issue was that hunters might stray from the Chandler Reservation onto her property. Nancy said

the Conservation Commission suggested she speak with the Chandler Reservation and ask them to address their concerns.

Nancy said Steve Hall from the Chandler Reservation was in attendance if the Board had any questions for him. The property is in current use and the owner pays \$37.00 a year in taxes. Nancy said because of the wetlands and the pond it is a lovely piece of property. She believes this property could be of interest in terms of its history.

James inquired about the history of the property and Nancy said there was a black man that lived there 100 years ago. She commented there were so few people of color at the time, in Warner in particular, which makes the history of the property unique. James asked if there would be a potential to access the land for archaeological purposes in the future. Steve said they could direct requests to the Chandler Reservation.

James states that he is wary to approve the donation without understanding the tax and cost obligations to the town. Nancy said the Town Attorney is researching the deed. The Conservation Commission approved the donation pending a clear title on the property.

The Chair asked if the town will pay for the legal transfer of the property. The title search which will be done by the town's lawyer. The transfer tax, any L-chip surcharges and a possible liability may be federal taxes potentially all these items may be payable by the Town of Warner. James wanted to have a better understanding of the financial obligations of the town. The Chair asked if the Conservation Commission is using their funds to pay these costs. Nancy said, no. She said the landowner is using a lawyer and will cover the costs she is legally obligated for. Nancy said she was told by the town they would cover any other costs.

The Chair said after the Planning Board recommends acceptance of the donation of the property the Select Board will hold two hearing at least, but not more than, 10 days apart, for acquisition, sale, demolition or disposal per the RSA.

**James Gaffney made a motion to recommend the Town's acquisition of the property in question with no expenditure of the General Fund, other than for the title search. Andy Bodnarik seconded the motion. Discussion:** Andy expresses concerns about the federal tax implications for the town if this property is acquired. The Chair clarified that this motion is for the recommendation of this property to be donated to the town, however it is ultimately the Select Board's decision on whether to accept this donation. The Chair believed Andy's concerns were captured by the motion. **Vote Tally:** 5-0. The Board recommended the Town's consideration of acquiring the donation of conservation land to be managed by the Chandler Reservation.

## **B. Conceptual Consultation Application**

**Applicant:** Multiple Owners on Old Warner Lane  
**Owners:** Multiple - Listed on the application  
**Agent:** Jeffrey Merritt - Granite Engineering, LLC.  
**Address:** Old Warner Lane  
**Map/Lot:** Map 3, Lot 27  
**District:** C-1  
**Description:** Expansion of existing self-storage facility.

The Board discussed the lack of a quorum and the need for the Chair to recuse himself from this application. James recommended the Board postpone the rules of needing a quorum of the Board present to hear this application. The Chair thought that was alright because they are hearing a consultation and there is no binding decision. The applicants representative, Jeff Merritt, said he was fine with doing a short presentation given it is a non-binding and informal discussion. He said Joe Robinson who represents the owners of the property was in attendance.

James wondered if they should adjourn the meeting and then have an informal discussion so they wouldn't run afoul of bringing up and conducting business. The Chair said the issue is no one is actually harmed by this if you proceed. Also, there would be a record of the conversation in the minutes.

For the record, the Chair recused himself from this application, he had a conflict of interest, one of the owners of the property is the Chairman of the Board of Directors where he, Ben Frost, is employed. The Chair stated that this property has come before the Planning Board before, at that time there was not a conflict. Also the Board proceeded to hear the consultation without a quorum of the Board, there were three voting members present.

Janice asked who was facilitating. Andy Bodnarik said he would facilitate with the assistance of the Board's secretary. The Chair, Ben Frost, withdrew from the meeting at 7:40 PM.

Andy turned over the discussion to Jeff.

Jeff, via Zoom, shared the project plan on the video screen. This property is at the end of Old Warner Lane, it is 7.6 acres. The original Site Plan was approved by the Board in 2001. There are four permanent buildings on the property, currently. There is one temporary storage building on the site, as well. The current buildings are cold storage buildings, not heated. There is currently 23,000 square feet of floor area, with a single entrance off Old Warner Lane. There is a key pad entrance on to a gravel area, with gravel between the self-storage units. To the east is Interstate 89, to the south is the old railroad right-of-way, Old Warner Lane on the north and an under-developed area on the west owned by Eversource.

Jeff said they want to expand the self-storage facility; it would be a combination of cold storage and climate-controlled structures. The two larger structures would be climate controlled. Two of the proposed buildings would be additions to existing buildings, toward the north. Then a series of new buildings on the south side of the property. The additional buildings would generate an additional 74,000 square feet of storage area. The same driveway off of Old Warner Lane would be utilized. There would be no employees.

Jeff said they will need an State of NH, Alteration of Terrain permit because the project exceeds 100,000 square feet of land disturbance. They have an up-to-date survey of the property, and the property has been checked for wetlands. The land is nice in terms of develop-ability, it doesn't have a lot of wetlands on it. The wetland delineations are only on the north corner of the property.

Karen Coyne confirmed the property was designated as Map 3, Lot 27, which conflicts with the application submission. Jeff concurred the designation is Map 3, Lot 27.

James said his concern is setbacks from the lot lines. Jeff said in the C-1 district the setback is 40 feet from the right-of-way. They have observed 40-feet on the interstate side of the property and 25-feet on the side yards.

Andy said the listing on the application states the property is existing non-conforming. So, Andy wondered how the original structures were permitted. Are they dealing with a non-conforming use? He couldn't find anything in the Use Table that lists the proposed use. Andy would like Jeff to research how the existing buildings were built and if it was prior to zoning, or not. Also, was a variance obtained because we are dealing with a non-conforming use.

Jeff said they have not gone through the file to see how the original site plan was done. The original site plan does not mention a variance. Jeff wondered if the town has used an interpretation of ordinances in the past for this type of business. James asked where they had come across the term "non-conformity," which is listed on the table on the plans. Jeff was not aware of the term "non-conformity" used relative to this property. Jeff asked if there is a use in the Town of Warner codes

for self-storage. He said there a use indicated for warehousing and retail. Also, there is a provision which states that if there is more than one building there has to be 75 feet between buildings, which seem to target more traditional retail uses. So, they had listed the property as pre-existing non-conforming because there isn't 75 feet of separation between the buildings. They would like guidance from the Board as to whether or not that regulation applies to this use or is this more appropriate for a strip mall business.

Andy had some questions about the table of zoning requirements. Specifically, gross floor area which would include four existing buildings of 19,942 square feet, then they propose to add 74,150 square feet. When you add those figures together you have 94,092 square feet relative to total coverage of buildings. His concern was the maximum gross floor area is 40,000 square feet.

Jeff said they interpret the ordinance to mean the 40,000 square feet is the maximum gross floor area allowable for any one single building. The ordinance further states that additional buildings have to be set back at least 75 feet from the other building. Andy said the existing total square footage is 19,942 and not 4,044. Andy said 4,044 square feet is for only one structure without adding in the other two structures. Jeff said why would you sum the square footage for all the buildings, they interpreted the ordinance to reference the square footage maximum for a single building. Andy said there is more than one building that will have an addition. Andy said when they get to the Site Plan review process, they will need clarity on the maximum square footage and actual figures. Jeff said he will work to clarify the gross square footage on the plans.

Andy commented on the maximum material in permeable coverage to be 25% and 68%. Also, he mentioned the spacing between the buildings being in-line with the retail and service building regulations. He wonders if this property was at some point determined to be a retail and service building. Jeff said he understood the confusion and the subject needs to be researched. Andy said the Land Use office can help find any information existing on this property.

Andy discussed the fire truck access. Also, automatic sprinkler systems required by the state. Jeff said they can run a turning template thru the site to ensure fire truck access on the site. Andy suggested they meet with the Fire Chief to go over this information.

Andy said a locus map would be useful. Also, to go through the site plan review checklist. Karen said she found the minutes from 2001 on the town's website. Janice said she would go through the property file and scan anything useful and email it to Jeff.

James said he struggled with where this fits into our ordinances. Andy thanked Jeff for the presentation.

#### **IV. ADJOURN**

Andy stated they were going to adjourn meeting and not continue with further agenda items due to the lack of quorum of the Board. Meeting adjourned at 8:05 PM.

**Respectfully submitted by,**  
Molly B. Loz  
Recording Secretary  
Town of Warner