



**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, March 6, 2023**

Lower Town Meeting Hall

**I. OPEN MEETING at 7:06 PM.**

**ROLL CALL:**

Board Member	Present	Absent
David Bates	✓	
Andy Bodnarik	✓	
Karen Coyne (via Zoom)	✓	
Ben Frost (Chair)	✓	
James Gaffney		✓
Lois Shea (Select Board)	✓	

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

**Also present:** Gary Fitzgerald, Anthony Costello (A.C. Engineering & Consulting)

**II. APPROVAL OF MINUTES:** January 30, 2023

Approval of minutes of January 30, 2023 tabled until next Planning Board meeting.

**III. NEW BUSINESS**

**A. Conceptual Consultation**

- Applicant:** Gary Fitzgerald
- Owners:** Joseph Anthony
- Agent:** Anthony Costello (A.C. Engineering & Consulting)
- Address:** Vacant Lot on NH Route 103 across from Annis Loop
- Map/Lot:** Map 7, Lot 39
- District:** R-2 & R-3
- Description:** Multi-family residential building

The Chair said as a preliminary conceptual consultation an abutter’s notice is not required, just needs to post as an agenda item and anything discussed is not legally binding. This is an opportunity for the property owner to get advice from the board on how to proceed.

Anthony said they previously discussed with the Board a 9-building unit, however upon further discussion the town only allows up to four units per lot. Therefore, the plan now is to put a four-lot subdivision with a quadruplex on each lot. Anthony said they met with the Land Use Administrator and the density was based on the R-2 district. The structures are located in the R-2 district, the lots

are in R-2 and R-3 district. Andy and the Anthony discussed the process to determine density. David Bates spoke about the water and sewer capabilities within each R-2 and R-3 district which he believes is adequate. He also said that R-3 lot does not come up against any developed area. The Chair and Andy Bodnarik discussed Article II, C. Interpretation of District Boundaries as it applied to this property. Andy suggested that the main buildings and development are in the R-2 district and that is where the ordinances would apply. The Chair clarified that the density requirements going forward are settled. Andy also stressed again that the density calculations are based on the R-2 district.

Regarding the driveway there was discussion on a common driveway which would be easily accessible to the four lots. Andy summarizes the driveway RSA, stating that one drive is allowed per parcel of land, however there are four parcels with one common driveway therefore it does seem like there was an issue. However, Andy recommends talking with a local NHDOT representative on driveway requirements and regulations. Andy further explains how the NHDOT will help determine width of the driveway. Andy and the Chair advised the applicant this plan falls under the definition of a major subdivision. They recommended reading the pages on the regulations and rules that pertain to a major subdivision. The Board discussed subdivisions that have similarities to this plan which the applicant might be able to compare plans with. The Chair summarized that the shared driveway does not have any negative implications or legal ramifications.

Andy says that the applicant should eventually think about septic, drainage of water, parking, lighting, and signage. The Chair said that because these are quads, site regulations apply too. Relative to distance from the road, it appears more than 50 feet, however if blasting of the property occurs to make room for the structures, codes and regulations will apply. David, Lois, and Karen had no further comments.

#### **IV. UNFINISHED BUSINESS**

##### **A. Rules of Procedure (ROP) & Department of Regional Impact (DRI) Guidelines**

The Board discussed changes made to the ROP and DRI guidelines. Major changes include consistency with wording throughout the document and change of structure and organization of the document. No changes to public hearing procedures, however there are new rules in place to alert the public about significant new business and delay the meeting's findings till the next meeting. This allows adequate public notice unless immediate changes are required. The Chair also stated that public comments within the rules, should be moved to the beginning of the meetings, therefore the public does not have to wait for the entire meeting to be heard. Lois stated that frontloading public comments is done now by having public comments attached to each proposal of new business. The Chair clarified that public comment was for anything that is not already stated within the meetings agenda. Karen suggested it should be clarified that the public comment section is only for non-agenda items. It was determined to add that into the ROP, "with the exception of votes on minutes, and election of officers, the Chair shall invite public comment prior to the Board taking actions on any matter." Also, additional public comments are left at the end of the meeting.

There was debate on whether or not to take out the 7:00 PM start time in the ROP, this allows the board to select the time in which start the meeting. The board makes it clear that they do not want to change the meeting time, but this change will allow them to have that option without going through a legal procedure. The Chair took a straw poll on how the board felt about taking out the 7:00 PM start time for meeting in the ROP. The results was in favor, 4 to 3.

The board had a brief discussion in reference to the notifying the NHDES when notifying for regional impact. Janice asked how would the applicant know to do that. The Chair said it does not have to

be certified mail. The application should be adjusted to reflect this change in order to notify the applicants.

**Andy made an motion to present as an agenda item for the next two meetings that we hold, for the purpose of adoption after the final meetings. David Bates seconded the motion. Discussion:** Andy agrees with the guidelines being added to the ROP until the legislature changes and they have to add more changes. **Roll Call Vote:** Andy Bodnarik – Yes, David Bates – Yes, Lois Shea – Yes, Karen Coyne – Yes, Ben Frost - Yes.

## V. COMMUNICATIONS

DOT tracking locations, and put as a agenda on next meeting.

## VI. REPORTS

### A. Chair's Report – Ben Frost

The Chair discussed the volunteer forms submitted by Pat Goneau and Neil Nevins. Ben Inman has resigned. Lois Shea said George Pelletieri has submitted a volunteer form. The Chair said he and Andy are up for reappointment.

### B. Board of Selectmen – Lois Shea

Lois discussed preparing for Town Meeting and the timing of distribution of the Town Reports. Discussed two upcoming public hearings, one was slated for the next evening, Tuesday, March 7, on the acceptance of 1.2 million unanticipated fund for transportation, and to rebuild a section of the rail tail along I89.

### C. Regional Planning Commission

None

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

None

### E. Agricultural Commission – James Gaffney

### F.

None

### G. Groundwater Protection Committee – Andy Bodnarik

Andy discussed the new information sheet about the groundwater protection ordinances. He said the information sheets are available at the library and at certain prominent meetings.

## VII. PUBLIC COMMENT

No public comment.

## IV. ADJOURN

Andy Bodnarik made a motion to adjourn the meeting. Meeting adjourned at 8:52 PM.

Respectfully submitted by,

**UNAPPROVED** – March 6, 2023

Molly B. Loz  
Recording Secretary  
Town of Warner