



**TOWN OF WARNER**

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***Planning Board Minutes***

Wednesday February 5, 2024

**I. OPEN MEETING at 7:05 PM.**

**ROLL CALL:**

Board Member	Present	Absent
David Bates	✓	
Andy Bodnarik (Vice Chair)	✓	
Karen Coyne (Chair)	✓	
Dustin Chamberlain	✓	
James Gaffney	✓	
Ian Rogers		✓
Harry Seidel – Select Board	✓	
Michael Smith (via Zoom)	✓	

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

7 **II. DISTRIBUTION OF MINUTES** – September 11, 2023 and November 6, 2023 for review at the next  
8 Planning Board meeting.

9 **III. PUBLIC COMMENT**

10 Ed Mical asked if tonight was a public hearing saying it was not reflected on the agenda. Janice said  
11 they have already had their first and second public hearings on proposed ordinance changes. The Chair  
12 said they are voting on which Board members want to recommend the changes.

13 Nancy Ladd said she was disappointed the agenda was not on the website. There was comment about  
14 issues viewing uploaded documents on the town’s website. James asked if the meeting is not posted.  
15 Nancy said the meeting is posted not the agenda. Janice said she did post it last Thursday. James said  
16 there when you go to the “notices” page on the website, no notices are posted on that page. Janice  
17 apologized for the fact that it wasn’t on the site. She did post it and is not sure what happened and she  
18 will follow-up, tomorrow. It seems to be an internal technical issue with the website. Harry mentioned  
19 that the selectboard is aware of the underperformance of the website.

20 Barak Greene spoke about the Non-Conforming Lot Ordinance and dropping the 50-foot frontage  
21 requirement, and replacing it with an 80% requirement. Barak said if he has not enough frontage and  
22 a lot of land in the back, this calculation for frontage makes it more difficult. James said this ordinance

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23 will address a very small number of properties and they will need a variance if they don't meet the  
24 requirements.

### 25 **IV. NEW BUSINESS**

#### 26 **A. None**

### 27 **V. UNFINISHED BUSINESS**

#### 28 **A. HAC Update** – Bill Hanson and Ian Rogers

29 Bill Hanson updated the Planning Board on the HAC update. Starting with the survey being live as  
30 of January 29 in both paper and virtual copies. Bill explained the different locations of the survey  
31 and how the residents of Warner can access the survey. As of the date of this meeting, there were  
32 187 responses on the online platform. The last date of the online survey platform is April 19, 2024.  
33 Harry commended HAC on the progression of the survey and collecting results. Andy asked about  
34 posters regarding the HAC and the surveys. Bill said the poster is printed and mentioned several  
35 locations where they have been put up. Bill mentioned the process of collecting paper copies of the  
36 survey and how results will be organized in a spreadsheet upon completion.

#### 37 **B. Review Final Revisions made to Zoning Ordinance Amendment**

38 1. Review Article XV. A., B. & C. Non-conforming Use. Expanding definition to possibly include:

39 Introduction reference to Article IV, General Provisions, F.

- 40 a. Define regulation for non-conforming use.
- 41 b. Define regulation for non-conforming structure.
- 42 c. Define regulation for non-conforming lot.

43 David started the conversation saying he prefers the version within the ballot. Janice explained the  
44 document verbiage and the pieces that are submitted to the ballot, and what is going to be submitted  
45 to voters.

46 James recommended putting a note down within the approved version that references the handout,  
47 when it is given back to Michelle for approval.

48 David suggested adding language to the vote, David also suggested an amendment in regards to  
49 what is written in part two. He suggested restoring the original language in terms of the 80%  
50 wording, which was the frontage is at least 50 feet.

51 **David Bates made a motion to take out the 80% language, and replace the 50-foot frontage**  
52 **instead. Andy Bodnarik seconded the motion. Discussion:** David explained the purpose of the  
53 amendment being less confusing for the public. Furthermore, he is worried about the lack of  
54 research done on examples of who this regulation will impact. The Chair said the thought process  
55 behind the change to the percentage would allow it to be more equitable across the board, rather  
56 than just 50 feet requirement dependent of district. Andy mentioned how changing the language  
57 might resolve the issue that we are trying to deal with non-conforming lots. Andy and Karen  
58 explained how a change tonight within the language of the motion would necessitate another two  
59 public hearings. Harry stated his viewpoint of reviewing this requirement was to provide a little bit  
60 more grace for non-conforming lots in the context of shortage where there is not enough affordable  
61 housing. Harry agreed with David, that while this language might need to be changed in the future,  
62 it may not be the right time to do it now, as more research needs to be completed. David asks  
63 Janice about what the public views of this 50 feet conundrum. Janice responded that a lot of people  
64 that are buying the non-conforming lots, like the 50 feet language, as it is straight to the point. Janice  
65 explained the problem with non-conforming lots, is more based within the setback language as  
66 people push the boundaries of what is allowed based on the loose terminology dealing with  
67 setbacks. Michael made a comment through Zoom, that 80% seems more reasonable than 50 feet.

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68 David said to not cause disruption to the administration and time ballot constraints, he is going to  
69 dissolve the motion, and instead going to offer an amendment to this next year that changes it back  
70 to 50 feet. The motion failed, with no votes taken.

71 The Chair redirected the conversation to the question proposed on the ballot, on approving the  
72 questions based on the condition of attaching the handout to the ballot. **Karen Coyne made a**  
73 **motion to approve the changes to Article XV Non-Conforming Use. Harry Seidel seconded**  
74 **the motion. Discussion:** None. **Voice Vote Tally:** James Gaffney – Yes. Andy Bodnarik – Yes.  
75 Dustin Chamberlain – No. David Bates – No. Harry Seidel – Yes. Karen Coyne – Yes. The vote  
76 passed 4 to 2 in favor of approving the changes to Article XV.

### 77 **VI. UNFINISHED BUSINESS**

#### 78 **C. Start review of Subdivision application and Checklist**

79 [Subdivision](#), [Site Plan Regulations](#), [Site Plan Review](#), [Voluntary Merger](#), [Driveway](#), [Home](#)  
80 [Occupation](#), [Lot Line Adjustment](#)

81 The Chair said this agenda item will be now continued to the next meeting.

### 82 **VII. REPORTS**

83 **A. Chair's Report** – Chair, Karen Coyne - None

84 **B. Select Board** – Harry Seidel –

85 Dan Emmanuel submitted a complaint to the Selectboard and the Planning Board, regarding a  
86 short-term rental which has started advertising and marketing activities. Harry asks about clarifi-  
87 cation on what is permitted for Airbnb. Janice mentioned that she sent a notice to the person who  
88 owns this short-term rental to come in for a special exception when they first bought the property.  
89 Harry mentioned that he is not looking for a solution to this formal complaint tonight, but just men-  
90 tioned it in his report to inform the Planning Board of this complaint. The Chair mentioned that  
91 within the complaint letter they are asking for either the Planning Board or the Select board to give  
92 a written response within 30 days. Harry wrapped up his report mentioning a petition warrant article  
93 did come into the town, to deny the rail trail initiative.

94 **C. Regional Planning Commission** – Derek Narducci, Ben Frost

95 **D. Economic Development Advisory Committee** –

96 **E. Agricultural Commission** – James Gaffney

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

98 Andy mentioned that they are still waiting to have a final meeting.

99 **G. Housing Advisory Committee** – Ian Rogers

100 **H. Regional Transportation Advisory Committee** -

### 101 **VIII. COMMUNICATIONS**

102 Janice mentioned that Holly Riley asked for a consultation during the work session. The Chair  
103 mentions that she would feel okay with having her added to the agenda, the Board agreed.

### 104 **IX. PUBLIC COMMENT**

105 **X. ADJOURN** The meeting was adjourned at 8:30 PM.