



TOWN OF WARNER

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**Planning Board Meeting / Work Session
AGENDA**

Monday, July 15, 2024
Town Hall Lower Meeting Room
7:00 PM

Join Zoom Meeting: <https://us02web.zoom.us/j/87061407427> Meeting ID: 870 6140 7427 Passcode: 1234

I. OPEN MEETING at 7:00 PM and ROLL CALL

ROLL CALL:

Board Member	Present	Absent
David Bates	✓	
Karen Coyne (Chair)	✓	
Pier D'Aprile	✓	
James Gaffney	✓	
Barak Greene	✓	
John Leavitt - Alternate	✓	
Ian Rogers	✓	
Harry Seidel – Selectboard	✓	
James Sherman – Alternate	✓	

In Attendance: Janice Loz – Land Use Administration

II. PUBLIC COMMENT - None

III. REVIEW OF MINUTES: April 15, May 6, June 3 and June 24, 2024.

The board began by reviewing the minutes from previous meetings. Minutes from April 15, May 6, June 3, and June 17 were discussed. The only missing minutes was the May 15 work session, the Chair was going to complete the minutes of that session.

April 15 Minutes

David Bates made a motion to approve the minutes of April 15, 2024 as amended. Ian Rogers seconded the motion. Discussion: None. **Voice Vote Tally:** 7 to 0, the minutes were approved as amended.

May 6 Minutes

David Bates made a motion to approve the minutes of May 6, 2024 as amended. Ian Rogers seconded the motion. Discussion: None. **Voice Vote Tally:** 7 to 0, the minutes were approved as amended.

June 3 Minutes

David Bates made a motion to approve the minutes as approved. Ian Rogers seconded the motion. Discussion: None. **Voice Vote Tally:** 7 to 0, the minutes were approved as amended.

June 17 Minutes

David Bates made a motion to approve the minutes as approved. Ian Rogers seconded the motion. Discussion: None. **Voice Vote Tally:** 7 to 0, the minutes were approved as amended.

IV. NEW BUSINESS

A. Subdivision Application

Applicant: Peter Bean

Owners: Peter Bean

Agent: Jon Buschbaum

Address: 306 Newmarket Road, Warner, NH 03278

Map/Lot: Map 12, Lot 21

District: R3 – OC-1

Description: Minor subdivision into two residential lots, a 43.6295 acre lot and a 44.91 acre lot.

Jon Buschbaum, the surveyor representing Peter Bean, introduced himself. Bean was also present via the Zoom. The Chair confirmed that all fees had been paid, documentation received, and proper notice given, except for a missed posting at the post office, which was discussed but deemed an oversight. Jon Buschbaum provided an overview of the Subdivision plan. Peter Bean owns an 88.5-acre parcel on Newmarket Road, which is being subdivided into two lots. The new lot is 43.6 acres and intended for residential use. Mr. Buschbaum highlighted key features of the land, including buildable areas, floodplains, and road frontage. He shared his screen to display detailed plans and explained the topography using New Hampshire's LiDAR system. Mr. Buschbaum continued, explaining the buildable areas and potential issues related to the floodplain and road setbacks, which might require future variances for development.

During the application review, the group split up to examine the plans and the Subdivision Checklist. The group discussed the application process for a property case, highlighting incomplete documents and missing details. They mentioned missing sections such as boundary markers and lot numbers on the maps. Various trustees and properties are being reviewed for proper notification and inclusion in the documents. Specific missing items include percolation test results and state-grade coordinate ties. They are working through each page of the application to ensure all necessary information is accounted for and discussing possible waivers for missing details. The Board discussed the lack of certain features on the map, such as monuments and references to specific lots, such as 1338 Twin Brooks. It was mentioned that certain lots are not identified on the subdivision map, which may require an additional condition for their inclusion.

The meeting continued with the Board members examining various aspects of the property subdivision. They addressed the lack of corner pins in an old land survey and issues related to a shed obstructing a property corner. They noted missing details on a map, such as a property not marked correctly, and agreed to update it. They also discussed deed references and the need for a copy of the deed for the existing lot. Additionally, there was mention of a waiver related to soil boundaries and a percolation test for septic systems. The application was accepted as complete with conditions to address the missing details.

The Board discussed changes in floodplain maps that could affect the property. The discussion revolved around the impact of development projects on natural areas and protected species. It

highlighted the importance of conducting a natural heritage inventory to assess the environmental consequences of construction projects, especially in large areas like the ones in question. Once a specific development site is identified, measures such as natural heritage inventory and environmental consultations must be implemented. The hearing also addresses the requirements for stormwater pollution protection and the need to comply with environmental regulations, such as the presence of watercourses that impose buffer zones. Finally, the decisions on construction and access to the discussed lands are examined for their ecological impact and the way former work sites have left compacted, unvegetated soils.

David Bates made a motion to approve the application for a subdivision with the following conditions. Michael Smith seconded the motion. Voice Vote Tally: 7 to 0, the subdivision for Peter Bean, Map 12, Lot 21 was approved.

Conditions:

1. Supplying the missing Title and Deed for the property to the Land Use office.
2. Add the missing abutter, Twin Brooks, Map 13, Lot 38, to the Plot Plan Map
3. Notify the NHDES that the property is being subdivided.

B. Conceptual Consultation Application

Applicant: Poverty Plains Solar, LLC., Encore Renewable Energy

Owners: Fred Hill

Agent: Eric Grande (VHB, Director of Land Development)

Address: No address. 242 acres abutting I-89 on the west and Poverty Plains Road to the east. Warner, NH 03278

Map/Lot: Map 7, Lot 64

District: R25 & OC-1

Description: A 5+/- MW Solar Array to be primarily located within a portion of the parcel that was previously excavated and utilized as a gravel pit. The landowner will retain a portion of the property to continue gravel pit operations.

Fred Hill detailed the proposal of a five-megawatt solar farm on his property on Poverty Plains utilizing 20-25 acres of land that was previously a gravel pit. The land, which has been in the Hill family for generations, was reclaimed from agricultural use to a forest and then to a sand pit. They are partnering with Encore Renewable Energy, a company that plans to develop, own, and operate the project long-term, and are working through environmental assessments to address potential impacts on local wildlife. The solar farm aims to generate tax revenue for the town without straining local infrastructure and will be subject to further review and potential site visits before final approval. The land, previously used for gravel extraction, is located on a reclaimed area and has been in the Hill family for generations. The project, managed by Encore Renewable Energy, aims to install about 12,000 solar panels and is intended to generate tax revenue without impacting local infrastructure. Environmental considerations are being addressed, including potential impacts on local endangered species like the northern black racer snake and wood turtle. The project seeks to meet zoning regulations and provide a long-term renewable energy solution while contributing to local tax revenue.

The Board examines the impacts of development projects on natural areas and protected species, emphasizing the importance of conducting environmental assessments to understand the ecological consequences. The second part of the conversation describes how the site has been used for material extraction since the 1960s and how it is being considered for conversion into a solar project to generate tax revenue without affecting local infrastructure. The solar project, led by a company from Vermont, aims to install approximately 12,000 solar panels on the site while adhering to environmental regulations to protect local endangered species.

So far, the dialogue revolves around a proposed solar array project in New Hampshire, which involves a few key components: potential taxation and payment in lieu of taxes, a power purchase agreement with the Community Power Coalition of New Hampshire to offer lower electricity rates, and a \$20,000 donation to the town. The project's site plan will include detailed elements such as setbacks, tree clearing, and stormwater management. Concerns about solar glare and the project's impact on the land and power lines were addressed, including the commitment to restore the land post-project. The Board also mentioned ongoing negotiations and regulatory considerations related to the project's power lines and potential battery storage.

The project involves navigating various permitting processes, including the state's AoT (Alteration of Terrain) regulations, which have recently changed to emphasize the impact of underlying soils and stormwater management. The site, a former gravel pit, is considered relatively flat, which may simplify stormwater management. Concerns about environmental impacts, such as stormwater runoff and land reclamation, are addressed, with assurances provided about the durability of solar panels and transformer oil containment. The project aims to balance operational needs with environmental and community considerations, including potential donations to the town and managing aesthetic impacts.

V. UNFINISHED BUSINESS

A. Subdivision Application - Continued

Applicant: Sydney Elizabeth Boyer

Owners: Sydney Elizabeth Boyer

Agent: Jon Rokeh – Rokeh Consulting, LLC.

Address: Kearsarge Mountain Road, Warner, NH 03278

Map/Lot: Map 33, Lot 18

District: R2

Description: An existing 10.60 acre lot is proposed to be subdivided into four lots with a new subdivision road connecting to Kearsarge Mtn. Road.

Action taken: The hearing was continued to July 1, pending establishment of an escrow account. The account has been established. Waiting report from Aries Engineering.

Aries Engineering came back with a couple of issues. Jon Rokeh, the project's engineer, introduced himself and detailed the recent modifications to the subdivision plan. He adjusted lot lines to address issues with the buildable areas, including enlarging lot four and correcting the impact on lots three and one due to a power line easement. He also noted that these adjustments met the necessary buildable area requirements. In the meeting, Jon Rokeh from Rokeh Consulting, the project's engineer, discussed recent adjustments to the subdivision plan, including changes to lot lines and buildable areas. He explained that minor modifications were made to accommodate a slight twist in the road and to address issues related to lot sizes and drainage. There was also discussion about concerns from Aries regarding drainage, roundabout size, and driveway grades. The Board considered whether a waiver could be requested for roundabout dimensions and if adjustments to the plan could address these issues, including the possibility of using R1 zoning requirements due to the subdivision's proximity to an R1 district. Jon Rokeh discussed zoning regulations and the requirements for open space development, noting that the lot size was too small for mandatory open space requirements. He explained minor adjustments to the road and lot lines, ensuring they did not impact the drainage calculations or overall design. Concerns were raised about the road's right-of-way width and the adequacy of the drainage plan, prompting a need for updated maps and further review by the relevant authorities. There was also a dispute over the adequacy of funds for reviewing drainage plans, highlighting a need for clarification and resolution. Continuing the discussion regarding the review and approval of a development project. The Planning Board emphasized the need for updated maps, Aries' review of these maps, and input from the road agent and fire department. There is concern about the

costs associated with additional work and reviews, as well as the preferences for swales in the project.

The changes to the road and driveway elevations along with any reworked drainage plans will be forward to Aries for further review. The Land Use office informed the Board that would be an additional charge for the next review.

VI. VOTING FOR VACANT VICE CHAIR POSITION

- A. Vice Chair position** – Members state their desire to be Vice Chair. Nomination(s). Second(s). If multiple members are nominated and seconded, vote on each nomination separately. Show of hands vote. Tally.

The board discussed the role of the Vice Chair, clarifying that the Vice Chair acts in the absence or resignation of the chair, with full powers during such times. David Bates indicated he was interested as serving as the Vice Chair. **Michael Smith made a motion to nominate David Bates as Vice Chair., Barak Greene seconded the motion. Discussion:** Conversation was supportive of his nomination and highlighted his communication skills and cooperative nature. **Voice Vote Tally:** 7 to 0. David Bates was voted in as Vice Chair of the Planning Board until the Annual Meeting in April of 2025.

VII. REPORTS

- A. Chair's Report** – Chair, Karen Coyne – No updates
B. Select Board – Harry Seidel – No updates
C. Regional Planning Commission – Derek Narducci, Ben Frost - None
D. Economic Development Advisory Committee –

The Regional Planning Economic Development Advisory Committee discussed possible changes, including shifting responsibilities to the Warner Community Center and publishing survey results. Concerns were raised about the lack of a chair for this committee, with debates over procedural issues and missed meetings

- E. Agricultural Commission** – James Gaffney – No updates
F. Groundwater Protection Committee – Andy Bodnarik

The Groundwater Protection Committee's dissolution was noted as an ongoing issue.

- G. Housing Advisory Committee** – Ian Rogers

Ian mentioned how the committee is on the homestretch. Central Regional has told us that they are in a good spot in terms of where we are, community engagement, ideas, conversation, generated materials. They're just looking for a few more specifics for us in terms of what they want to see once we finish the job. The Housing Committee is nearing completion of its work, with mention of a transition in leadership at Central Regional.

- H. Regional Transportation Advisory Committee** – No updates

VIII. COMMUNICATIONS

The Board discussed a potential for the need of a CIP committee to streamline the budgeting process, with suggestions for involving both public members and Planning Board members to improve efficiency and accuracy.

IX. PUBLIC COMMENT - None

UNAPPROVED – PB July 15, 2024

X. ADJOURN – Closed at 10:04pm