



TOWN OF WARNER

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Planning Board Meeting I Work Session

DRAFT Meeting Minutes

Monday, October 7, 2024, 6:30pm

I. OPEN MEETING : Chair Karen Coyne called the meeting to order at 6:41PM.

ROLL CALL

Board Member	Present	Absent
David Bates (Vice Chair	X	
Karen Coyne (Chair)	X	
Pier D'Aprile	X	
James Gaffney	X arrived at 6:57 PM	
Barak Greene – Alternate	X	
John Leavitt - Alternate	X	
Ian Rogers	X	
Harry Seidel – Select Board	X	
Bob Holmes – Alternate	X	

Karen Coyne announced that Bob Holmes has been appointed as an alternate member of the Planning Board. She advised the board that the minutes will be moved to the end of the meeting, if time allows and the first item under New Business will not be heard at this meeting.

II. PUBLIC COMMENT

None

IV. NEW BUSINESS

A. Michael Smith, Select Board member to discuss potential lot sales.

REMOVED

B. Conceptual Consultation

Applicant: Warner Aggregates LLC

Owner: Warner Aggregates LLC

Agent:

Address: Route 103

Map/Lot: Map 3, Lot 84-10-A

District: C-1

Description: Parking RV/campers only. No building. Storage only for seasonal use. No new landscape/pavement.

Dave Herrick informed the Planning Board that they are looking to utilize a portion of the property to store registered campers that are needing repair. This would allow Warner Aggregates to store the camper during winter and pull them out of storage and bring them to the shop to be worked on. He anticipated 3-4 campers per week that would be moved in and out. Pier D'Aprile asked where the repair shop is located. Mr. Herrick stated the campers would be moved to his shop in Henniker. He explained that the property would be used for storage through the winter, it would not be permanent storage. He

1 stressed that the property will be neat and clean, noting that the conservation commission visits the
2 property every three years to see the pit area. He stated the vehicles will not be visible from the road.
3 Ian Rogers asked where the campers are currently stored and he asked for a description of the business.
4 Mr. Herrick stated currently campers are stored at his shop in Henniker and his business is a trailer
5 repair shop that preforms trailer and truck repairs, alignments. Barak Greene asked for clarification on
6 any land alterations or clearing. Mr. Herrick stated that he would clear an area of trees then gravel over
7 the area. Barak Greene asked about potential run off. Mr. Herrick stated that the land is flat but he will
8 put down a berm to prevent anything from escaping. Bob Holmes asked how many RV's and trailers
9 would be stored on the site. Mr. Herrick stated that he is hesitant to put a number on it because he is not
10 sure. He estimated 25-30. Harry Seidel asked if the aquifer is located on the property. Mr. Herrick
11 stated that parts of the aquifer it might be on his property. Harry Seidel asked for additional information
12 on the preventative steps that he will take to protect the aquifer from any leaks. Mr. Herrick reiterated
13 that he planned to clear the trees, lay gravel down. Mr. Herrick stated that the majority of vehicles
14 would be trailers, but there will be some motorized. Harry Seidel asked how far the property is from the
15 Warner River. Mr. Herrick estimated 250 feet. Harry Seidel asked if water testing has been done to
16 determine a baseline of the water quality now. Mr. Herrick stated he has not. John Leavitt asked for
17 confirmation that storage would be seasonal. Mr. Herrick confirmed. John Leavitt stated that the
18 vehicles would be winterized significantly reducing the potential of leaks. Pier D'Aprile asked for more
19 information on the conservation commission visits. Mr. Herrick explained that they visit to see the pit
20 on his property. Harry Seidel asked if the property is located in the flood plain. Mr. Herrick does not
21 believe it is.

22
23 *James Gaffney arrived at 6:57 PM.*

24
25 Karen Coyne explained that this is a conceptual discussion. She stated that Mr. Herrick is going to the
26 Zoning Board for a special exception, they are seeking the Planning Board feedback. Barak Greene
27 stated that looking at google maps it appears that the area is within 200 feet of the river. He suggested
28 adjusting the area location to avoid having to deal with the DES. Mr. Herrick assured the Planning
29 Board that he will create a berm to prevent any run off. He spoke about his experience as a NH logger
30 and knowledge of protective steps to take. Kelly Dearborn explained that when they began the
31 application process there was a comment made that the zoning map had changed. She asked for
32 clarification on the district, she was told the property is in C-1. Karen Coyne confirmed the district is
33 C-1. Kelly Dearborn asked if the Planning Board writes recommendations to the Zoning Board. Karen
34 Coyne explained that the Planning Board does not write recommendations. Pier D'Aprile suggested
35 having a mitigation plan to offer. David Bates advised the applicants that when they come back to the
36 Planning Board for a site plan review the Planning Board will have to refer it to the Warner River
37 Advisory Committee because of the close proximity to the river. Kelly Dearborn will contact the
38 Warner River Advisory Committee to give them a heads up.

39
40 Harry Seidel offered the following suggestions; contacting the Conservation Commission, Warner River
41 Advisory Committee, conducting a baseline water test, locating the aquifer and providing a flood plain
42 map. Barak Greene asked if they operate under a stormwater pollution protection plan (SWPPP). He
43 suggested that they make an amendment to their SWPPP to be proactive and help them along the way
44 by illustrating the steps they will take to protect the river. Ian Rogers suggested advising the Zoning
45 Board on how many trailers is anticipated, explain more about their business and how this relates to the
46 existing business.

47
48

1 **C. Conceptual Consultation**

2 **Applicant:** **Diana & Eric Tucker**

3 **Owner:** Dustin & Krista Chamberlain

4 **Agent:** Eric & Diana Tucker

5 **Address:** 9 West Main St, Warner NH 03278

6 **Map/Lot:** Map 31 Lot 11

7 **District:** B-1

8 **Description:** Residential assisted living facility home for the elderly.

9 *David Bates and Ian Rogers both recused themselves from this discussion.*

10 Eric Tucker explained that he is purchasing 9 West Main Street from Dustin & Krista Chamberlain. He
11 explained that the property will be converted into a residential assisted living facility. He explained that
12 the plan is renovate the home and attached barn. The facility would house 20 individuals. Karen Coyne
13 asked for additional information on the renovations that are planned. Mr. Tucker spoke about the
14 requirement of sprinklers and an elevator. He stated that there would also two chair lifts installed. Barak
15 Greene asked how many employees will be working at the site. Mr. Tucker stated that it is their
16 intention to have a resident to caregiver ratio of 5 to 1 during the day and 10 to 1 overnight seven days a
17 week. Barak Greene inquired about the number of visitors. He expressed concern about parking. Mr.
18 Tucker explained the parking plan to accommodate visitors and employees.

19
20 Pier D'Aprile asked about the potential growth and expansion. Mr. Tucker explained phase 1 is full
21 occupancy in the main home, phase 2 is the barn. He stated that after the barn is filled they would
22 welcome the idea of expanding. Mr. Tucker explained that a structural engineer is evaluating the barn
23 for suitability. Bob Holmes asked if parking could be relocated to the back. Mr. Tucker does not
24 foresee that to be a problem. Harry Seidel asked about the age of residents. Mr. Tucker explained that
25 they would be focused on the elderly but if there was someone younger who needed their specific
26 services would not be excluded. Harry Seidel asked about medical attention for the residents. Mr.
27 Tucker outlined the 804 ADL Medical license (assisting daily life) that they seek along with a
28 part-time registered nurse. Harry Seidel spoke about the calls for service at the existing facilities in
29 Warner. Mr. Tucker outlined their plan to utilize a sprinkler system, fire suppression, fire alert and
30 monthly fire drills and a documented evacuation plan. He spoke about the units that will have a
31 kitchenette which will exclude toasters and stove tops. He advised the facility would have a full time
32 administrator. The facility will also have full security monitoring. He acknowledge the difficulty in
33 finding help.

34
35 Karen Coyne asked if they have an application for the ZBA for a special exception. Mrs. Tucker
36 confirmed. Pier D'Aprile suggested keeping true to the character of the existing structure when made
37 modifications. Mr. Tucker explained that this type of residential assisted living is in such high demand
38 versus what is known as big box assisted living because it does feel like home.

39
40 **D. Site Plan Review**

41 **Applicant:** Encore Renewable Energy

42 **Owner:** O. Fred Hill 2007 Revocable Trust

43 **Agent:** VHB

44 **Address:** Near 201-299 Poverty Plains Rd

45 **Map/Lot:** Map 7 Lot 64

46 **District:** R-2, OC-1

47 **Description:** Site plan review for solar array.

48 Karen Coyne opened the Public Hearing and informed the board that all the proper notices have been

1 issued and fees paid. Speakers: Fred Hill property owner, Eric Gerade from VHB, and Sam Carson
2 from Encore Renewable Energy. Sam Carson advised the board that they received a two page memo
3 that addresses the issues raised in the conceptual consultation. Sam Carson explained the project is a 20
4 acre solar array consisting of 12,000 panels, 575 watt per panel totaling 5 megawatts. He stated the
5 electricity would be sold to the Community Power Collation of NH. Eric Gerade explained the parcel
6 has a total of 242 acres located on Poverty Planes Road with wetland on both the east and west side. He
7 noted there are two zoning districts, R-2 and OC-1. The parcel is currently utilized as a gravel pit. Eric
8 Gerade stated that the primary site of the proposed solar array is the older side of the gravel pit that has
9 not been used. He informed the Planning Board that as part of their review a survey was done to depict
10 property lines, wetland delineation, utility easements and the flood plain.

11
12 Karen Coyne asked the members to make a determination on whether or not the application is complete.
13 She stated that the board will not split into groups because the members should have previously
14 reviewed the application. Pier D'Aprile asked if maps are available that show the elevation change from
15 the site relative to Interstate 89. Eric Gerade pointed to the Grade and Drainage plan showing the
16 elevation contour. He asked if there was a map that addressed glare. Sam Carson stated glare is
17 addressed on page 2 of the handout.

18
19 **Ian Rogers made a motion seconded by Harry Seidel to accept the application as complete.**
20 **Motion passed unanimously.**

21
22 Pier D'Aprile noted that glare on Interstate 89 is addressed indicating that the southern orientation of the
23 panels will not cause glare to the public on Interstate 89. Sam Carson explained that there is a
24 significant vegetative buffer between the solar panels and I-89. He stressed that they will not be
25 removing any of the vegetative buffer along I-89. James Gaffney asked if there is sufficient space along
26 the perimeter for vehicles such as the Fire Department. Sam Carson confirmed the space is sufficient for
27 the Fire Department to reach the inverters. Ian Rogers commended the applicants for addressing the
28 concerns raised during the conceptual consultation. Pier D'Aprile asked if there is a possibility of
29 expanding the solar array once the gravel operations cease. Sam Carson stated they do not have any
30 plans to do that. Barak Greene asked if it is possible to put some of the decommissioning costs in a
31 bond. Mr. Carson explained they will do a letter of credit which essentially guarantees the financing.
32 He noted that the letter typically gets adjusted for inflation every 3 years.

33
34 Harry Seidel questioned the site location relative to the sand/gravel pit and how will the issue of dust on
35 the panels be managed. He questioned the how the reclaiming of the gravel pit will be conducted
36 pursuant state law. Sam Carson explained that NH Fish and Game has concerns about the endangered
37 black northern racer snake which makes it's habitat in abandoned sand/gravel pits. He explained that a
38 low growing native pollinator is being considered. Eric Gerade explained that the first step is the
39 regrading of the site followed by the installation of the panels and then the vegetation.

40
41 Karen Coyne opened the floor for abutter's comments.

42 Rebecca Courser owns Map 7 Lot 60 abutter does not have a problem with the proposal.

43 **Inaudible name**, asked for clarification on the process after this site plan review. Karen Coyne
44 explained that if the site plan is accepted, this is the final meeting. **Abutter** asked when construction
45 would begin. Sam Carson stated that construction would begin 6 months from permit date, possible July
46 2025. James Gaffney asked about the decommissioning agreement and the importance of keeping the
47 Town informed. Sam Carson committed Encore to providing a copy of the executed letter of credit
48 when it is done. Barb Marty asked if there were any other species of concern identified if so what the

1 mitigation is. Sam Carson stated that the wood turtle was also identified. He stated that there are a
2 number of DES conditions imposed such as educating construction staff and steps for relocating any
3 wood turtles. Pier D'Aprile asked about inspection of the transformers for possible oil leakage. Sam
4 Carson explained that the transformers use 95% vegetable oil and each transformer will have
5 containment around them.
6

7 Karen Coyne closed the public hearing. Pier D'Aprile asked for clarification relating to property taxes
8 or payment in lieu of taxes, not something the planning board would discuss. Karen Coyne confirmed.
9 Harry Seidel asked if there is an agreement in place with the Community Power Coalition. Sam Carson
10 stated that the Encore and the Community Power Coalition are currently negotiating and should be
11 finalized soon. James Gaffney would like the board to consider the following conditions for approval.
12 - to require a signed affidavit agreement regarding the decommissioning agreement that listed the terms
13 of the decommissioning agreement as well as the referenced beneficiary.
14

15 **James Gaffney made a motion seconded by Harry Seidel to approve site plan review for Encore**
16 **Renewable Energy, Owner; O. Fred Hill 2007 Revocable Trust near 201-299 Poverty Plains Rd**
17 **Map 7 Lot 64 for a solar array with a condition to require a signed affidavit agreement regarding**
18 **the decommissioning as well as the referenced beneficiary. Motion passed unanimously.**
19

20 **III. UNFINISHED BUSINESS**

21 **A. Applicant: Roman Catholic Bishop of Manchester**

22 **Owner:** Catholic Order of Foresters

23 **Agent:** Devine Milimet & Branch, Professional

24 **Address:** 511 Kearsarge Mountain Road Warner NH 03278

25 **Map/Lot:** Map 18 Lot 37

26 **District:** R-3, OC-1

27 **Description:** Church and other religious purposes including, but not limited to
28 meetings/retreats, mass services, religious gift shop, Knights of Columbus meetings,
29 Cursillo; youth retreats, Catholic School professional days, priest retreats and seminars, Life
30 Teen, NH; Catholic Formation events, adult marriage; rectory, residency for religious
31 order(s); diocesan Ministry offices:

32 Karen Coyne stated this application has been revoked.
33

34 **B. Feedback from Town Counsel**

- 35 • Lot line adjustment

36 Discussion postponed until Oct 21, 2024 to receive feedback from Town Counsel.
37

38 **C. Housing Advisory Committee**

39 To discuss the HAC Master Plan Housing Recommendation and Decommissioning of HAC. Karen
40 Coyne explained that the Planning Board needs to determine how many hearings they will have. She
41 stated that she is not anticipating they will discuss, add or delete today. She recognized that the HAC
42 held their last meeting and she wants to make sure that the HAC understands that the Planning Board
43 will now continue those discussions and they would like their involvement. Ian Rogers summarized the
44 work of the HAC over the last year. He advised the members that recently a working group of the HAC
45 got together and implemented some changes to the draft. He agreed that public hearings need to be
46 discussed. He stated that Central Regional Planning will update the draft going forward. Karen Coyne
47 thanked Ian for his efforts. Karen Coyne stated that pursuant to the charter the Planning Board should
48 officially acknowledge the receipt of the HAC's recommendations.

1
2 **Barak Greene made a motion seconded by David Bates to acknowledge the receipt of the Housing**
3 **Advisory Committee’s recommendations for the Master Plan Housing chapter. Motion passed**
4 **unanimously.**

5
6 **Barak Greene made a motion seconded by James Gaffney to dissolve the HAC. Motion passed 5-2**
7 **Harry Seidel and Ian Rogers voted in the negative.**

8
9 *Discussion on the motion:* Ian Rogers stated that at the last HAC they did not discuss dissolving. He
10 suggested that as a formality the HAC could remain in case it is needed. Karen Coyne stated that it is
11 the Planning Board’s responsibility to modify the housing chapter of the master plan. She stated that at
12 this point the Planning Board will hold the hearings and make the changes. Barak Greene explained the
13 subcommittee’s roll was to reach out to the community, gather the information, process the information
14 and present it. He stated that has been accomplished. He does not feel that it is necessary to keep the
15 committee around. James Gaffney agreed stating that they have served their purpose. David Bates
16 acknowledged that the committee completed their task and supports the motion. Ian Rogers suggested
17 that the Planning Board could form a subcommittee to address any minor changes. Karen Coyne stated
18 that any changes from this point forward will be made as part of the Planning Board meeting, but if
19 necessary the Planning Board does have the ability to reconvene the subcommittee. Harry Seidel does
20 not support the motion.

21
22 James Gaffney suggested updating the HAC website page to include the start and end date of the
23 committee, preserving all information previously posted, post scheduled hearings on both Planning
24 Board and HAC webpages, post the Master Plan working document on both webpages. The Planning
25 Board members will receive the working document in word format marked as draft.

26
27 The Board discussed their plans to move forward. James Gaffney suggested sending the draft to Town
28 committees and request their input. Karen Coyne recommended the Planning Board review and bring
29 their input to the next meeting, after that request other town committee’s input to be heard at first
30 November meeting. Karen Coyne would like one pass through the document as a board before sending
31 it out. Ian Rogers suggested a discussion at the next meeting recognizing that the draft version has been
32 out there. James Gaffney stated that any future discussion should be open to all who want to participate
33 and allow public comment. Barak Greene suggested advertising the discussion on the sign. James
34 Gaffney would like to play it by ear as to the number of hearings. David Bates spoke about the
35 importance of open processes that people can trust. Ian Rogers concurred and outlined various benefits
36 that he experienced especially relating to trust building. He explained a drawback is the arduous nature
37 of managing a committee that is open membership and the uncertainty that comes along with that.
38 James Gaffney stated that he would like a commitment from this board not to jam something in to the
39 upcoming town meeting. He suggested using the window of town meeting as an opportunity to draw
40 people in. He feels that if feedback is needed do not use the ballot, have a conversation. Barak Greene
41 feels that it could be a show of good faith by signaling to the community; we hear you and this is a first
42 step. Ian Rogers stressed the importance of community involvement. They agreed to read the draft and
43 discuss it on October 21st.

44
45 **D. Planning Board Application Sub-Committee Discussion**

46 David Bates asked the board to consider the idea of a subcommittee who would publicly go through the
47 checklist with the applicant. He stated this will help the applicant to bring the necessary information to
48 the full board for the Planning Board discussion. He hopes that this will serve the land owners making

1 the process more streamlined and move things along at regular meetings. Karen Coyne explained that
2 what has been outlined falls under the job description of the Land Use Administrator. She questions if it
3 would speed things up.

4
5 Bob Holmes echoed Karen's statement regarding the duties of the land use administrator. James
6 Gaffney spoke about the challenges in the past. He spoke about the importance of the following all the
7 established requirements. Harry Seidel spoke about a concern regarding the perception that the
8 subcommittee is trying to influence the direction of the board. He stated the subcommittee would be
9 meeting with the applicant to ensure the required information is provided to the planning board. Ian
10 Rogers asked for clarification on how the Land Use Administrator job description is established. Karen
11 Coyne stated that Town Administrator would make the determination. She stated that the rules of
12 procedure say that the position is serve the needs of the Planning Board and Zoning Board chairs. Ian
13 Rogers asked for clarification on practice of the Planning Board to break into two smaller groups to
14 review site plans. He acknowledge the concerns of people who feel that by doing that those
15 conversations are not easily heard and it took a lot of time. Karen Coyne explained that the Planning
16 Board agreed that since applications are due 21 days prior to the hearing the Planning Board would
17 electronically receive the information giving the members plenty of time to review. She stressed that
18 several Planning Board members and the public have spoken out about the challenge of splitting into
19 smaller groups. Barak Greene suggested a study group. Karen explained that the members cannot meet
20 in a secondary setting, it is not permitted because any business conducted must be done in a public
21 meeting pursuant to state law. Ian Rogers stressed the importance of teamwork and skill building.
22 David Bates acknowledge precautions would need to be taken to avoid wading into official Planning
23 Board duties. He explained that the checklist provides new members the opportunity to sit down and
24 become more familiar with the checklist. He reiterated that it would have to be done in circumscribed
25 fashion to not supersede the Planning Board.

26
27 Barak Greene believes learning as a group is very important. James Gaffney stated the Office of
28 Planning Development (OPD) is a valuable training resource. He is not supportive of the proposed
29 subcommittee. He encouraged everyone to continually educate themselves. Harry Seidel spoke about
30 the importance of being disciplined. The Board agreed to work with the newly implemented changes to
31 improve efficiencies and look for group education opportunities.

32
33 **VI. REPORTS - None**

34
35 **VII. COMMUNICATIONS**

36 Pier D'Aprile provided a recap of the CIP for the highway department utilizing a PowerPoint
37 presentation, the board reviewed printed copies of the highway department CIP submissions. Pier
38 D'Aprile spoke about the importance of looking the big picture and long term needs.

39 **VIII. PUBLIC COMMENT**

40 Ed Mical advised the Planning Board that an informational meeting is scheduled for 6:30 pm Oct 16th to
41 discuss the new flood plain maps. He asked the board to speak up in meetings so that the public can
42 hear what they are saying.

43
44 **IX. ADJOURN** The meeting adjourned at 10:00 PM

45
46 Respectfully submitted by
47 Tracy Doherty

DRAFT