



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.gov

Planning Board Meeting / Work Session AGENDA

Monday, September 9, 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** and ROLL CALL
- II. **PUBLIC COMMENT**
- III. **MINUTES:** July 1, July 15, August 5 and August 19, 2024.
- IV. **NEW BUSINESS**
 - A. **Michael Smith, Selectboard** member to discuss Map 17, Lot 017, Map 17 Lot 015.
 - B. **Conceptual Consultation**

Applicant: Richard Antoine
Owners: Richard & Heidi Antoine
Agent: Richard or Heidi Antoine
Address: 576 Kearsarge Mountain Road, Warner NH 03278
Map/Lot: Map 18, Lot 039
District: R3
Description: Subdivide 12.5 acres lot into two lots. One lot will be 8.5 acres and the second lot will be 4 acres.
 - C. **Conceptual Consultation**

Applicant: Andrea and Joseph Brochu
Owners: Russel Osborn
Agent: Andrea and Joseph Brochu
Address: 304 Bean Road, Warner, NH 03278
Map/Lot: Map 13, Lot 18-3
District: R-2
Description: Subdivide and build a small house on the empty lot with road frontage on Willaby Colby Lane.
 - D. **Conceptual Consultation**

Applicant: Roman Catholic Bishop of Manchester, a corporation sole
Owners: Catholic Orders of Foresters
Agent: Devine Millimet & Branch, Professional Association
Address: 511 Kearsarge Mountain Road, Warner, NH 03278
Map/Lot: Map 18, Lot 37
District: R-3 and OC-1
Description: Seeking a zoning determination that the following uses are permitted as a matter of right or otherwise. Church and other religious purposes including, but not limited to meetings/retreats, mass services, religious gift shop, Knights of

Columbus meetings, Cursillo; youth retreats. Catholic school professional days, priests retreats and seminars, Life Teen, NH; Catholic formation events, adult marriage; rectory, residency for religious order(s); diocesan ministry offices.

V. UNFINISHED BUSINESS

A. Conceptual Consultation

Applicant: Ryan Fredette

Owners: Pleasant Valley Living Trust

Trustees: Ryan Fredette and Katy-Lynne Magoon Fredette

Agent: Steven Lugar – Land Surveyor

Address: 285 Pleasant Pond, Hopkinton, NH 03229

Map/Lot: Map 3, Lot 22

District: OR-1

Description: Adjust lot line to transfer parcel to Russell Nolan – 233 Pleasant Pond Road, Hopkinton, NH 03229

B. CIP (update and review)

VI. REPORTS

A. **Chair's Report** – Chair, Karen Coyne

B. **Select Board** – Harry Seidel

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

D. **Economic Development Advisory Committee** –

E. **Agricultural Commission** – James Gaffney

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

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

H. **Regional Transportation Advisory Committee** –

VII. COMMUNICATIONS

VIII. PUBLIC COMMENT

IX. ADJOURN

Note: Planning Board meetings will end no later than 10:00 P.M. Items remaining on the agenda will be heard at the next scheduled monthly meeting.



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Planning Board Meeting Monday, July 1, 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

12 **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

13 **II. DISCUSSION**

14 Karen noted that the meeting and the Peter Bean subdivision application were not properly noticed until
15 4:45 p.m. on the day of the meeting, violating the 24-hour agenda notice requirement. James Gafney
16 emphasized that the town website requires all official notices to be posted on the notices page, which
17 is not done. David and Pier agreed that the meeting was not in compliance with the Rules of Procedure
18 in terms of posting an agenda and suggested rescheduling. Janice clarified that the notices did go out
19 to the abutters within 10 days but the agenda was not published within 24 hours. Janice said she had
20 technical difficulties in posting the agenda, asked the back-up person to do it and unfortunately it was
21 not posted until 4:45 PM on the day of the meeting.

22 Harry and Ian acknowledged the human error and the small staff size but stressed the importance of
23 following procedures.

24 Karen discussed rescheduling the meeting and the earliest possible date which would be Monday, July
25 15th, considering the 10-day notice requirement and the holidays.

26 James and David discussed the possibility of having the meeting sooner but concluded that July 15th
27 was the earliest feasible date.

UNAPPROVED – PB Minutes of July 1, 2024

28 Janice confirmed that the board is legally obligated to meet once a month, and the first Monday of every
29 month is the scheduled meeting date. The board's schedule is posted at the beginning of the year,
30 which meets meeting posting requirements.

31 Jim Sherman, an abutter and a board member, expressed concern about the short notice and sug-
32 gested a policy change to notify abutters earlier.

33 John highlighted that even the board members were not adequately notified, affecting their ability to
34 prepare for the meeting. Janice stated that the packets were delivered to board members the Thursday
35 prior to the meeting, which meets the requirements of the Rules of Procedure. David emphasized the
36 importance of transparency and due process to protect the board from complaints.

37 **James Gaffney made a motion to that the meeting was not adequately noticed and therefore**
38 **could not conduct business. Discussion:** David suggested amending the motion to reschedule the
39 meeting to July 15th. **The motion was seconded** (name?). **Vote Tally:** 7 – 0, the motion passed, and
40 the meeting was rescheduled to July 15, 2024 at 7:00 PM.

41 **III. ADJOURN** – Closed at 7:24 PM



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Planning Board Meeting / Work Session

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 and ROLL CALL

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

In Attendance: Applicants, Abutters and Public who attended and commented noted below. Janice Loz – Land Use Administration

6 II. PUBLIC COMMENT - None

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

8 The board began by reviewing the minutes from previous meetings. Minutes from April 15, May 6,
9 June 3, and June 17 were discussed. The only missing minutes was the May 15 work session, the
10 Chair was going to complete the minutes and put them up before the August meeting.

11 April 15 Minutes

12 David Bates made a motion to approve the minutes as amended. Ian Rogers seconded the
13 motion. Discussion on the motion: None. Vote Tally: 7 – 0, the motion passed.

14 May 6 Minutes

15 David Bates made a motion to approve the minutes as amended. Ian Rogers seconded the
16 motion. Discussion on the motion: None. Vote Tally: 7 – 0, the motion passed.

17 June 3 Minutes

18 David Bates made a motion to approve the minutes as amended. Ian Rogers seconded the
19 motion. Discussion on the motion: None. Vote Tally: 7 – 0, the motion passed.

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June 17 Minutes

David Bates made a motion to approve the minutes as amended. Ian Rogers seconded the motion. Discussion on the motion: None. Vote Tally: 7 – 0, the motion passed.

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.

The board moved on to a new business, specifically a subdivision application for Peter Bean. The hearing was called to order, and John Bushbaum (via Zoom), the surveyor representing Peter Bean, introduced himself. Peter Bean (present via the Zoom). The Chair confirmed that all fees had been paid, documentation received, and proper notice given. John Bushbaum 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. Jon 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. Jon 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 Board formed two groups to examine different pages of the application to determine completeness of the application. The group discussed the application process and highlighted incomplete documents and missing details. They mentioned missing sections such as boundary markers and lot numbers on the maps. Various trustees and properties were reviewed for proper notification and inclusion in the documents. Specific missing items include percolation test results and state-grade coordinate ties. The Board discussed possible waivers for missing details. There were discussions about the lack of certain features on the map, such as monuments and references to specific lots, such as 1338 Twin Brooks. It is also 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 a property subdivision. They address 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 agree to update it. They also discuss deed references and the need for a copy of the deed for the existing lot. Additionally, there is a mention of a waiver related to soil boundaries and a percolation test for septic systems. The application is accepted as complete with conditions to address the missing details.

The Board discussed changes in floodplain maps that could affect the property. 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 one in question. Once a specific development site is identified, measures such as natural heritage inventory and environmental consultations must be implemented. The hearing also addressed the requirements for stormwater pollution protection and the need to comply with environmental regulations, such

69 as the presence of watercourses that impose buffer zones. Finally, the decisions on construction
70 and access to the discussed lands are examined for their ecological impact and the way former
71 work sites have left compacted, unvegetated soils.

72 **David Bates made a motion to approve the application. Seconded the motion. Discussion**
73 **on the motion:** The Board discussed the need for Jon Rokeh/Peter Bean to include the following.
74 **Vote Tally:** 7 to 0.

- 75 1. Supply the missing Title and Deed for the property to the Land Use office.
- 76 2. Add the missing abutter, Twin Books, Map 13, Lot 38 to the Plot Plan map.
- 77 3. Notify the NHDES that the property is being subdivided.

78 **B. Conceptual Consultation Application**

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

80 **Owners:** Fred Hill

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

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

84 **Map/Lot:** Map 7, Lot 64

85 **District:** R25 & OC-1

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

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

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

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

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

126 Eric said Encore plan to submit a Site Plan application sometime in September.

127 V. UNFINISHED BUSINESS

128 A. Subdivision Application - Continued

129 **Applicant:** Sydney Elizabeth Boyer

130 **Owners:** Sydney Elizabeth Boyer

131 **Agent:** Jon Rokeh – Rokeh Consulting, LLC.

132 **Address:** Kearsarge Mountain Road, Warner, NH 03278

133 **Map/Lot:** Map 33, Lot 18

134 **District:** R2

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

137 Jon Rokeh, the project's engineer, introduced himself and detailed the recent modifications to the
138 subdivision plan. He adjusted lot lines to address issues with the buildable areas, including
139 enlarging lot four and correcting the impact on lots three and one due to a power line easement.
140 He also noted that these adjustments met the necessary buildable area requirements. In the
141 meeting, Jon from Rokeh Consulting, LLC., the project's engineer, discussed recent adjustments
142 to the subdivision plan, including changes to lot lines and buildable areas.

143 Jon explained that minor modifications were made to accommodate a slight twist in the road and
144 to address issues related to lot sizes and drainage. There were also discussions about concerns
145 from Aries regarding drainage, roundabout size, and driveway grades. The Board considered
146 whether a waiver could be requested for roundabout dimensions and if adjustments to the plan
147 could address these issues, including the possibility of using R1 zoning requirements due to the
148 subdivision's proximity to an R1 district.

149 Jon discussed zoning regulations and the requirements for open space development, noting that
150 the lot size was too small for mandatory open space requirements. He explained minor
151 adjustments to the road and lot lines, ensuring they did not impact the drainage calculations or
152 overall design. Concerns were raised about the road's right-of-way width and the adequacy of the
153 drainage plan, prompting a need for updated maps and further review by the relevant authorities.
154 There was also a dispute over the adequacy of funds for reviewing drainage plans, highlighting a
155 need for clarification and resolution. Continuing the discussion regarding the review and approval
156 of a development project. The Board emphasized the need for updated maps, Aries review of
157 these maps, and input from the road agent and fire department. There is concern about the costs
158 associated with additional work and reviews, as well as the preferences for swales in the project.
159 The application was continued to the August 5, Board meeting.

160 VI. VOTING FOR VACANT VICE CHAIR POSITION

161 A. The board discussed the role of the Vice Chair, clarifying that the Vice Chair acts in the absence
162 or resignation of the chair, with full powers during such times. David Bates was nominated and
163 approved as the new vice chair, with his nomination supported by his communication skills and
164 cooperative nature. The discussion also touched on the current open position for an alternate,
165 but no further nominations were made for other positions.

166 Michael Smith made a motion to elect David Bates as Vice Chair. Barak Green seconded the
167 motion. Discussion: Conversation was supportive of his nomination and highlighted his vast com-
168 munication skills and cooperative nature. Vote Tally: 7 – 0, the motion was approved.

169 **VII. REPORTS**

170 **A. Chair’s Report** – Chair, Karen Coyne – No updates

171 **B. Select Board** – Harry Seidel – No updates

172 **C. Regional Planning Commission** – Derek Narducci, Ben Frost - None

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

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

178 **E. Agricultural Commission** – James Gaffney – No updates

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

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

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

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

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

188 **VIII. COMMUNICATIONS**

189 There is a need for a CIP committee to streamline the budgeting process, with suggestions for involv-
190 ing both public members and planning board members to improve efficiency and accuracy.

191 **IX. PUBLIC COMMENT** - None

192 **X. ADJOURN** – Closed at 10:04pm



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Planning Board Work Session Minutes

Monday, August 5, 2024

I. OPEN MEETING 7:02 PM

ROLL CALL:

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

In Attendance: Applicants, Abutters and Public who attended and commented noted below. Tim Allen, DPW Director (via Zoom), Janice Loz – Land Use Administration

6 II. PUBLIC COMMENT

7 None.

8 III. MINUTES: July 1 and July 15, 2024 – Tabled until September 9, 2024

9 **James Gaffney made a motion seconded by Barak Greene to table the minutes of July 1st and**
10 **July 15th until the next meeting on September 9, 2024. Discussion: None. Vote Tally: 6 to 1.**
11 **Harry Seidel voted in the negative.**

12 IV. NEW BUSINESS

13 A. Conceptual Consultation

14 **Applicant:** Ryan Fredette

15 **Owners:** Pleasant Valley Living Trust

16 **Trustees:** Ryan Fredette and Katy-Lynne Magoon Fredette

17 **Agent:** Steven Lugar – Land Surveyor

18 **Address:** 285 Pleasant Pond, Hopkinton, NH 03229

19 **Map/Lot:** Map 3, Lot 22

20 **District:** OR-1

21 **Description:** Adjust lot line to transfer parcel to Russell Nolan – 233 Pleasant Pond Road,
22 Hopkinton, NH 03229

23

24 Steven Lugar represented the applicants. He presented the requested Lot Line Adjustment
25 transferring 4.32 acres to Russell Nolan of Hopkinton NH. James Gaffney stated that in order to
26 do a lot line adjustment both parcels would need to be within the Town of Warner pursuant to
27 RSA 674:53. He believes the only way to do this is to submit an application for a minor subdivision
28 creating a new lot. He explained that all properties must meet the frontage requirements, but the
29 parcel is land locked. He further explained that the Zoning Board of Adjustment (ZBA) would
30 need to grant a variance for a non-conforming lot.

31 Harry Seidel asked for clarification on the specifics of the request to annex land from the Town of
32 Warner and combine it with property in the Town of Hopkinton. James spoke about the challenges
33 of this being a land locked parcel and about the need for joint Land Use meetings between Warner
34 and Hopkinton pursuant to state law. Barak Greene stated that the Planning Board could write a
35 letter of recommendation to the ZBA. The Chair explained that Section 6 of RSA 674:53,6 (b)
36 speaks to the joint meeting requirement.

37 There was further discussion on the idea of a joint meeting between the Warner Planning Board
38 and the Hopkinton Planning Board. James stated the two Towns could hold a conceptual
39 meeting with the ZBA to discuss the request without taking any action. Harry and Janice stated
40 that the zoning board's would not be allowed to comment on the situation until they have a formal
41 application. Janice stated that the ZBA members could listen to the discussion but they could not
42 comment. She suggested that the Warner Planning Board Chair speak to the Hopkinton Planning
43 Board Chair.

44 **Harry Seidel made a motion that the Warner Planning Board and Hopkinton Planning Board**
45 **have a joint conceptual session to review the case of Russell Nolan and Pleasant Valley**
46 **Living Trust, Map 3 Lot 22-1. Pier D'Aprile seconded the motion.** Discussion on the Motion:
47 James Gaffney stated that he is torn on whether or not a subdivision application should be
48 submitted prior to the joint meeting. Karen Coyne explained this is simply a conceptual
49 consultation meeting and application is not required. **Vote Tally: 7 – 0**, the motion to have a joint
50 meeting with Hopkinton was approved.

The Chair elevated John Leavitt to serve as a voting member for David Bates (absent).

51 **B. Conceptual Consultation**

52 **Applicant:** Richard Antoine
53 **Owners:** Richard & Heidi Antoine
54 **Agent:** Richard or Heidi Antoine
55 **Address:** 576 Kearsarge Mountain Road, Warner NH 03278
56 **Map/Lot:** Map 18, Lot 039
57 **District:** R3
58 **Description:** Subdivide 12.5 acre lot into two lots. One lot will be 8.5 acres and the second lot
59 will be 4 acres.

60 Tabled until the September 9, 2024 Planning Board meeting

61 **C. Lot Line Adjustment Application**

62 **Applicant:** Romeo Dubreuil and Holly Holmes
63 **Owners:** Two parcels, one owned by Romeo and Tammy Dubreuil, the other owned by Nate
64 and Holly Holmes
65 **Agent:** Romeo Dubreuil and Holly Holmes
66 **Address:** Dubreuil - 116 Route 103 East
67 Holmes - 118 Route 103 East, Warner, NH 03278
68 **Map/Lot:** Dubreuil - Map 10, Lot 74, Holmes – Map 6, Lot 57-1
69 **District:** Dubreuil - R3, Holmes – R-2

70 **Description:** Proposed Lot Line adjustment between Dubreuil Map 10, Lot 74 and Holmes –
71 Map 6, Lot 57-1.

72 Holly Holmes presented the proposed Lot Line Adjustment. John Leavitt asked for clarification if
73 lot line adjustments are required to go through a checklist. The Chair stated that Lot Line
74 Adjustments are not required to go through a checklist to her knowledge. The Board reviewed
75 the map depicting the parcels that will be adjusted. Holly Holmes advised the Planning Board that
76 the frontage will not change for either lot. James would like the structure location and the driveway
77 location depicted on the map. The abutting lots were reviewed and confirmed.

78 The Chair asked if there were any questions or comments from any of the abutters or general
79 public. There were no questions or comments from the abutters or general public.

80 **Harry Seidel made a motion to approve the lot line adjustment between Map 6 Lot 57-1**
81 **and Map 10 Lot 74 as described in the survey with the following conditions existing**
82 **structures, wells, septic's, driveways, setbacks and zoning line be added to the plan. Ian**
83 **Rogers seconded the motion. Discussion on the Motion: None. Vote Tally: 7 – 0, the lot line**
84 **adjustment was approved.**

85 **D. Minor Subdivision Application**

86 **Applicant:** Mark W. Xenakis
87 **Owners:** Mark and Susan Xenakis
88 **Agent:** J.E. Belanger Land Surveying, PLLC.
89 **Address:** 93 Dimond Lane, Warner, NH 03278
90 **Map/Lot:** Map 3, Lot 29
91 **District:** R-2 and OC-1

92 **Description:** Subdividing an 11.16 acre lot into two residential lots. There will be an existing
93 house on one lot and a single-family residential home will be built on the newly
94 created lot. An existing lane will be extended so the newly created lot will have
95 road frontage (this has been approved by the Town of Warner Selectboard).

96 Attorney Derek Lick is representing one of the abutters. Furthermore, he advised the Planning
97 Board that he is currently involved in other litigation involving other Planning Board members.
98 Pier D'Aprile and James Gaffney both stated that they would recuse themselves if the board felt
99 that would be best. There was a discussion among the other board members and they did not
100 feel that Pier D'Aprile or James Gaffney needed to recuse themselves.

101 Jacques Belanger represented Mark Xenakis. Karen Coyne asked if the Planning Board accepts
102 the application as complete.

103 **Harry Seidel made a motion to accept the minor subdivision application as complete with**
104 **amendment of the two waivers. Barak Greene seconded the motion. Discussion on the**
105 **Motion: None. Vote Tally: 7 – 0. The minor subdivision was approved.**

106 The Chair opened the public hearing for the application. She asked for clarification regarding the
107 access easement for the hammerhead. Harry explained how the hammerhead came to be and
108 was approved by the Selectboard. He stated that by creating the hammerhead it also gave the
109 landowner suitable frontage. The idea was that upon completion of the hammerhead the owner
110 would then grant an easement to the Town.

111 John questioned if the Town is responsible for maintaining the road. Harry said that Allan Brown
112 who informed him that once the Town receives an easement the Town is responsible for
113 maintaining it. Tim Allen (via Zoom) stated that it is his understanding that once the road is built
114 the Town accepts the road.

115

116 The Board agreed to make the easement, zone delineation and buildable area conditions. The
117 board agreed to notify the Warner River Local Advisory Committee.

118 Attorney Derek Lick spoke on behalf of his clients Julie and Tad Gibson who own the property
119 to the south of the subdivision. He stated that his clients are not objecting to the subdivision but
120 they do have three concerns.

- 121 1. The Gibson's request that the easement or deed specify that the hammerhead is only to be
122 used as turnaround no other use such as parking
- 123 2. Due to the proximity of the hammerhead to their property the Gibson's request the installation
124 of a privacy fence/screen
- 125 3. The Gibson's seek clarification on who owns the road between Gibson's southern boundary
126 and Mr. Xenakis' property. Attorney Lick has reviewed associated deeds, titles, and surveys
127 but is unable to determine the owner.

128 James requested any documentation that illustrates the size of the parcels on either side or the
129 road in question. Attorney Lick stated that his clients have hired a surveyor. Harry stated that
130 he had a conversation with the individual who was the road agent at the time. It is his
131 understanding that the original road was poorly made and it was a problem for the Town. The
132 Town at the time secured easements from the property owners in the area. It is not certain that
133 easements were secured from every property owner. The Town did rebuild the road to make it
134 safer.

135 Jacqueline Stock owner of 71 Dimond Lane stated that they did grant an easement to the Town.
136 Tim Allen advised the board that the Town does maintain the entire road. Michael Smith stated
137 that the easement in question has not been located. The Chair asked Attorney Lick if his clients
138 would grant an easement to the town. Attorney Lick confirmed his clients would grant an
139 easement. He would also like a condition that clarifies that the lot to the west is a standalone
140 buildable lot.

141 Attorney Lick suggested that the Selectboard needs to make a decision He further suggested
142 that the Planning Board make a conditional approval subject to the Town and the Gibson's
143 executing an agreement satisfactorily to each party that affirms that the Dimond Lane extends
144 to the Xenakis property and the parcel to the east is a stand-alone buildable parcel. James
145 believes the Selectboard needs to determine if all easements have been secured. He
146 questioned if the bisected parcels are now individual lots and are they buildable.

147 Harry explained that when a road is built property owners typically grant an easement to the
148 town to build the road and once built the road then becomes part of the town's road system. He
149 spoke about the public safety benefit for the town and residents along the road.

150 Jacqueline from 71 Dimond Lane advised the Planning Board that there are 22 property owners
151 who own property that is bisected by the road, and she questioned if they all now have two
152 separate lots.

153 John explained that the issue before the Planning Board is the end of Dimond Lane and whether
154 the easement should be granted so the hammerhead can be built. The Chair stated what is
155 before the Planning Board is the condition that a hammerhead cannot be built unless it is a road
156 that goes the entire distance. Michael Smith, Selectboard member asserted that the road has
157 already been approved as a town road. The Chair reiterated that the Xenakis' and the Gibson's
158 are requesting that the Town formalize the acceptance of the road. She recapped the Gibson's
159 requested conditions for approval;

- 160 1. The hammerhead is for turnaround purposes only no parking or storage.
- 161 2. Installation of screening/privacy fence and a statement of who will maintain it
- 162 3. A public easement subject to the Town and the Gibson's executing an agreement
163 satisfactory to each party that affirms that Dimond Lane extends to the Xenakis property.

164 4. A determination to be made that the lots on the other side of the easement are separate
165 buildable lots.

166 James stated that the Gibson's survey would be helpful if a determination needs to be made on
167 the issue of bisected lots whether they are now two separate lots of record and if they are
168 buildable. He stated that the Selectboard will make that determination. Harry stated the first
169 condition from the Gibson's is reasonable. He feels that the installation of a privacy screening
170 and the determination that the lots on the other side of the easement are separate buildable lots
171 is a private concern of the abutters and should not be handicapping a proposal that will benefit
172 the town. James stated the Planning Board cannot determine if a road is a Town road, that
173 would be done by the Select Board. He believes the Select Board, the Xenakis' and the Gibson's
174 need to come to an agreement before the Planning Board can make any decisions.

175 Barak Greene stated that the conditions mentioned do not prohibit the Planning Board from
176 moving forward and suggest the Planning Board could give conditional approval upon an
177 agreement between the Town, the Xenakis' and the Gibson's.

178 The Chair closed the public section and recapped the conditions:

- 179 1. On the map there needs to be zone delineation and buildable area
- 180 2. An assertion for the Road Agent that the turnaround will not be used for parking
- 181 3. Screening, privacy fence and an agreement on who will maintain the privacy fence
- 182 4. Subject to the town and the Gibson's executing an agreement satisfactory to each party that
183 affirms that Dimond Lane extends to the Xenakis property and in doing so creates lots of
184 record.

185 **Barak made a motion to grant conditional approval of the Xenakis Minor Subdivision.**
186 **James Gaffney seconded the motion. Discussion:** John was not comfortable forcing the
187 applicant to install the privacy. James pointed out that the motion does not specify who installs
188 the fence. Harry did not support the fence. He only supports declaring that Dimond Lane goes
189 to the end of the Road. Harry does not believe it is appropriate to require the applicant or the
190 Town to install the fence. Janice suggested the Board consult with legal counsel regarding the
191 condition requiring the agreement between the Town, the applicant and the abutter.

192 **John Leavitt made an amendment to the motion to remove the requirement of providing**
193 **screening unnecessary as a condition. Harry Seidel seconded the motion. Discussion on**
194 **the motion:** None. **Vote Tally:** 7 – 0, the screening condition was approved to be removed from
195 the list of conditions.

196 **Barak Greene made a motion on the following conditions for approval:**

- 197 1. On the map there needs to be zone delineation and buildable area
- 198 2. An assertion for the Road Agent that the turnaround will not be used for parking
- 199 3. Subject to the town and the Gibson's executing an agreement satisfactory to each party that
200 affirms that Dimond Lane extends to the Xenakis property and in doing so creates lots of
201 record.

202 **The motion was seconded by James Gaffney. Discussion on the motion:** None. **Vote**
203 **Tally:** 7 – 0. The conditions for the Xenakis minor subdivision was approved.

204 Harry requested another reading of the motion for clarity. The Chair read back the motion.

205 **Barak Greene made a motion to approve the subdivision of an 11.16 acre lot into two**
206 **residential lots on Map 3 Lot 29 Dimond Lane with the conditions:**

- 207 1. On the map there needs to be zone delineation and buildable area
- 208 2. An assertion for the Road Agent that the turnaround will not be used for parking

209 3. Subject to the town and the Gibson's executing an agreement satisfactory to each party that
210 affirms that Dimond Lane extends to the Xenakis property and in doing so creates lots of
211 record.

212 **James Gaffney seconded the motion. Discussion on the motion: None. Vote Tally: 7 - 0**

213 **E. Notices** – Discussion tabled until September 9, 2024

214 **V. UNFINISHED BUSINESS**

215 **A. Subdivision Application**

216 **Applicant:** Sydney Elizabeth Boyer

217 **Owners:** Sydney Elizabeth Boyer

218 **Agent:** Jon Rokeh – Rokeh Consulting, LLC.

219 **Address:** Kearsarge Mountain Road, Warner, NH 03278

220 **Map/Lot:** Map 33, Lot 18

221 **District:** R2

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

224 Jon Rokeh presented the progress made on the proposed subdivision of Map 33 Lot 18. He
225 explained that he has put together a waiver request for the size of the subdivision to be approved
226 by the road agent. He stated that the cul-de-sac shown on the plan should meet the requirements.

227 Jon addressed the driveway grading issues. The Chair asked about the stone versus swales. Jon
228 explained that the use of swales could send run off down much quicker than stone and he is
229 concerned that it will end up passing the catch basins and end up at Kearsarge Mountain Road.
230 He believes stone is the best way to go and will have less impact on the asphalt road.

231 Tim Allen (via Zoom) believed the size of the cul-de-sac is sufficient. He stated that run off in this
232 area is an issue. Jon stated that he made a few adjustments to meet the town's regulations.

233 The Chair recapped the three conditions for approval:

- 234 1. The waiver of a cul-de-sac
- 235 2. All changes will be in a final set of plans
- 236 3. Determination of driveway style
- 237 4. Maintenance consistent with NH Stormwater Manual

238 **Harry Seidel made a motion to grant conditional approval to the Boyer major subdivision.**
239 **Ian Rogers seconded the motion. Discussion: None. Vote Tally: 7-0** the major subdivision
240 was approved.

241 **VI. REPORTS** (Tabled until September 9, 2024)

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

243 **B. Selectboard** – Harry Seidel

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

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

246 **E. Agricultural Commission** – James Gaffney - None

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

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

249 **VII. COMMUNICATIONS** Discussion on 91-A requirements. Discussion on collaboration outside of a
250 Planning Board meeting. No action or discussion.

251 **VIII. PUBLIC COMMENT** - None

252 **IX. ADJOURN**

253 Adjourned at 10:08 PM.



TOWN OF WARNER

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

Planning Board Work Session Minutes

Monday, August 19, 2024

**I. OPEN MEETING 6:58 PM
 ROLL CALL:**

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

In Attendance: Elizabeth Labbe (operating Zoom)

6 Background

7 The meeting focused on discussing the process and policy for selling town property, including
 8 evaluating properties for sale, involving various town committees, and addressing legal and
 9 financial aspects. The goal is to return properties to the tax rolls to generate tax revenue.
 10 There was a discussion on the HOP II grant. Also included was a discussion regarding
 11 communications from the lawyer, and additional discussions on short term rentals and
 12 required definitions.

13 II. PUBLIC COMMENT

14 None.

15 III. Michael Smith Discussion on Land Sale Map 28, Lot 002 and Lot 004-1

16 Michael Smith explained that there is an existing process and policy for selling town property.
 17 He mentioned that the town owns roughly 90 properties, including the library, town hall, and
 18 fire station. The town had voted to sell properties to generate tax revenue.

19 Michael Smith identified 15 properties that could be returned to the tax rolls and about 35
 20 properties that are strong candidates for this. Some properties are large and could be logged
 21 for revenue before selling. John contacted the town forester, Tim Hulse, to evaluate two
 22 properties. Michael emphasized starting small and not selling all 50 properties at once to avoid
 23 complications.

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24 David asked if the process for selling town property is documented. Michael confirmed it was
25 and offered to send the documents to David. The process involves multiple steps: a resident
26 requests the property, Michael researched it, it goes to the conservation committee, then to
27 the Planning Board, and finally to the Selectboard for a decision.

28 Michael mentioned that the town does not make much money from selling properties; the goal
29 is to get them back on the tax rolls.

30 Ian asked about the timing of the vote to sell properties. Michael explained that residents had
31 recently shown interest due to logging and building activities in their neighborhood.

32 Pier asked if the process includes sealed bids. John confirmed that sealed bids are used for
33 smaller properties, while larger properties might go to auction.

34 Michael explained that if the town sells a property for more than the tax lien amount, the
35 excess money goes into a holding fund to be returned to the original owner. If the owner
36 cannot be found, the money goes back to the town after three years.

37 John Leavitt asked if the town could make money on the sale of the property? Michael said
38 the town cannot make money on the property itself but can collect taxes once it is sold and
39 back on the tax rolls. The town can only recover the money owed from taxes and the cost of
40 the sale.

41 David and John asked about details of the lots on Tom's Pond Lane. Michael said the lots in
42 question are Lot 2 and Lot 4-1. Lot 1, owned by someone who contacted the town, is across
43 the street from these lots. Lot 4 has a house on it.

44 Harry and David inquired whether the lots were buildable? Lot 2 is not a buildable lot. Under
45 the current non-conforming ordinance, Lot 4 would not be developable because it doesn't
46 have the minimum approach funding required.

47 John asked Alice Chamberlain asked for Input from the Conservation Committee. Alice said
48 the Conservation Committee has not taken a definitive position yet. They agreed to do a job
49 walk and will discuss it in their next meeting. There is a mix of opinions within the committee.

50 Pier and John asked if the Town make money if the property value has increased Michael
51 said the town can only recover the amount owed in taxes, not the increased property value.
52 There are no examples found where the town did not take the property for taxes.

53 Alice Chamberlain, John and Harry wondered about the cost of surveying the property.
54 Michael said the survey costs should be borne by the buyer, not the town. Most deeded
55 properties do not get surveyed when sold unless necessary. The cost of the survey can be
56 added to the sale price.

57 Barak and Karen asked about the potential taxable income from the properties. Micheal said
58 the potential taxable income from these two properties is about \$1,000 a year. For all
59 properties, it could be 1,000 times 50. One of the properties has 30 acres and could generate
60 good income if subdivided.

61 Ian and Karen asked about the procedure for selling town-owned properties. Michael said
62 Every property sale goes in front of the conservation committee, the planning board, and the
63 historical committee for input. The Selectboard has the final say.

64 Barak asked about a proposal to a developer. Michael said the town could investigate this
65 option, but the preference is to get the properties back on the tax roll. There are some large
66 sections in town that could be developed.

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67 Alice asked about public access to Tom Pond. Michael there may be public access at the
68 south end of Tom Pond, but it hasn't been confirmed. The small 16-foot right-of-way is
69 currently the only known public access.

70 John had concerns about surveying land before sale. Michael said surveying land before sale
71 is not necessary and could be a financial risk if the property doesn't sell. The deed can
72 stipulate who is responsible for the survey.

73 IV. Legal Correspondence and Subcommittee/Work Groups.

74 Karen said legality of non-quorum group discussions outside formal meetings. Stephen
75 Buckley responded that such gatherings would be a direct violation of RSA 91A-A-2. All
76 Planning Board business should only be discussed at meetings.

77 Karen said the legality of subcommittees working on board items outside formal meetings.
78 Stephen Buckley clarified that any subcommittee created to carry out the public business of
79 the board is also deemed a public body and must comply with notifying the public of
80 subcommittee meetings and permit the public to attend.

81 David shared concerns about the efficiency of board meetings and the review process. David
82 expressed concerns about the length of meetings and the time taken to review applications.
83 He suggested the idea of a technical review committee to speed up the process.

84 Karen mentioned that they have already started notifying the board when all documents are
85 available for review and are working on creating packets earlier.

86 David made a proposal for a technical review committee. David suggested experimenting with
87 the idea of a technical review committee to help the board move more quickly through the
88 checklist and notify applicants of any missing items before the meeting.

89 Pier said the use of technology to improve processes. Pier suggested that embracing
90 technology could help make the board's processes more efficient.

91 V. PHASE II HOP GRANT

92 Karen clarified the role of the Selectboard and Planning Bard regarding the HOP grant. The
93 Selectboard is the only body that can decide and apply for the grant. The Planning Board can
94 make recommendations and create subcommittees to work on the grant.

95 Harry said the nature of the housing problem and involvement of zoning ordinances. The
96 housing problem is tied to ordinances that restrict changes. There is fear and misconception
97 about zoning ordinance changes. Central New Hampshire Regional Planning Commission
98 (CNHRPC or Central Regional Planning) is committed to finishing the housing chapter without
99 additional cost to the town. The selectmen will likely sign a letter of support for HOP grant two.

100 Harry discussed the creation of subcommittees for the HOP grant. The planning board,
101 assisted by Central Regional Planning, will compare the zoning ordinance's language to the
102 town's objectives. If revisions are needed, the Planning Board will work on them with the help
103 of Central Regional Planning. The process is funded by the grant and aims to facilitate the
104 housing chapter's objectives.

105 Karen said the need for a housing commission similar to the agricultural commission. A
106 housing commission, like the agricultural commission, would be beneficial. The Selectboard
107 created the agricultural commission and could do the same for a housing commission.

108 David said public input and addressing concerns about zoning changes. It's important to listen
109 to all public input and address concerns. Divided votes should not result in one side feeling

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110 marginalized. The Planning Board has done a good job finding middle ground, and the master
111 plan should reflect the entire spectrum of public input.

112 John said there should be consideration of various housing solutions and public input. The
113 committee has considered various housing solutions and public input. Changes in zoning,
114 such as reducing lot sizes, could help with affordable housing. The current zoning setup does
115 not encourage affordable housing development.

116 John had concerns about affordable housing and the town's stance on it. The town has
117 concerns about affordable housing.

118 Karen said we need to be careful with the message that the town 'has to' do something, as
119 not everyone agrees. The survey had 400+ responses, but the town has 3300 residents.

120 Barak said affordable housing should be for families earning around \$50,000, but they can
121 only afford apartments due to high tax rates.

122 Karen said previous workforce housing projects required a minimum wage of \$25/hour, which
123 was unaffordable for local workers.

124 Barak said the HOP grant is in phase two of a four-phase system, with more funding available
125 for infrastructure and workforce housing.

126 Karen said there is a lot of angst around grants in the town, and public education is crucial to
127 address misconceptions.

128 Ian said public education is important for understanding the mechanics of the grant, advisory
129 committee, and project goals.

130 Pier the town's ordinances are very restrictive, preventing property owners from making
131 changes without going through a variance process.

132 David the Planning Board should handle the next phase of the housing project through its
133 normal public feedback processes.

134 **David Bates made a motion to recommend that the Planning Board apply for the HOP**
135 **II grant and authorize the Land Use Office to communicate with Central Regional**
136 **Planning. (*Second?) Discussion:** Karen suggested splitting the motion into two separate
137 motions. **David amended the motion to recommend that the town apply for the HOP II**
138 **grant. (Second?). Vote Tally: ?** The motion passed.

139 **VI. NOTICES**

140 David Proposed amending the rules of procedure to require 72 hours notice for meetings,
141 instead of the legal 24 hours, to prevent issues with posting agendas. Karen suggested
142 making the notice requirement Thursday when packets go out. Ian supported the 72-hour
143 notice but raised concerns about meetings on different days. Harry discussed the possibility
144 of extra meetings and the need for clear rules. David will write up a proposal for the
145 amendment.

146 **VII. DISCUSSION ON 91-A REQUIREMENTS.**

147 Karen mentioned that this topic is a duplication of the legal correspondence and decided to
148 move on as there was nothing left to discuss.

149 **VIII. CONTINUE THE SHORT-TERM RENTALS (STRs) DISCUSSION**

150 David recalled the previous discussions and definitions adopted for domicile and dwelling unit.
151 Harry emphasized the need to understand the overall objective before defining short-term
152 rentals. Ian provided statistics indicating that short-term rentals (STRs) made up only 2% of

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153 discussions at HAC and were low on the list of needed housing types. Barak mentioned the
154 need to define transient occupancy and discussed the potential use of buildings by agricultural
155 workers. Karen and David agreed on the importance of defining terms before regulating. Ian
156 suggested community engagement to gather input from stakeholders. Harry and Barak
157 discussed the potential economic impact of STRs and the need for more information. David
158 proposed a provisional definition for transient occupancy and suggested gathering data on
159 the quantity and impact of STRs.

160 David provided the definitions: domicile from RSA 259.23, dwelling unit, and transient
161 occupancy.

162 **Barak Greene made the motion (wording of motion?). Seconded by David Bates.**
163 **Discussion:** Harry asked what a working definition is, and David explained its purpose. Pierre
164 raised a concern about referencing a specific RSA version. David clarified that the definition
165 would not cite the RSA. **Vote Tally:** (?)

166 Discussion on STRs and potential collaboration with Central Regional Planning. Ian
167 mentioned Mike Tardiff would be at the House Advisory Committee meeting and could provide
168 a quick answer. Karen and Harry discussed the performance of Central Regional Planning.
169 David asked about gathering information on STRs for the next meeting. Ian inquired about
170 who would gather the information. Karen suggested anyone interested could do the legwork.

171 John suggested sending out definitions and agenda topics. David agreed to send them
172 immediately and mentioned they would be in the minutes.

173 IX. MISCELLANEOUS - COMMUNICATIONS

174 A. Karen confirmed the next meeting date as the 9th.

175 B. John Leavitt inquired about quorum requirements for the HAC meeting. John Leavitt asked
176 if a planning board quorum at the HAC meeting constitutes a meeting. Karen confirmed it
177 does and explained the HAC charter requirements.

178 C. Harry suggested including helpful resources in the homework assignment.

179 D. David agreed to send the definitions and a more thoughtful email later.

180 X. REPORTS

181 A. **Chair Report** - Karen discussed the CIP process and the need for Department Heads to
182 complete their CIPs. David suggested reaching out to department heads to offer help.
183 Harry mentioned the difficulty some department heads have with spreadsheets.

184 B. **Selectboard** - Harry explained the cell tower company wants to add more antennas and
185 has requested a building permit. Karen suggested the company should come before the
186 board for review. Harry said they are raising the tower height from 94 feet to 103 feet.
187 Karen and John discussed the implications. David questioned the timeline and urgency.

188 David suggested reviewing the application and timeline for actions if there are fewer
189 applications. Karen mentioned the urgency of the request. Harry offered to scan and
190 forward the documents. Karen and [Harry] discussed the need for a telecast due to
191 contractual obligations.

192 C. **Participation in the Regional Planning Commission.** – Harry mentioned Ag James and
193 Ben Frost's involvement. Karen discussed Janice's inquiry about participation.

194 D. **Groundwater Protection Committee** - Karen mentioned the need to address it.

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195 **XI. Housing Advisory Committee** - Ian provided an update on the HAC talks and the need for
196 more specificity. David discussed the lack of a process for adopting a Master Plan update and
197 proposed an amendment for public comment. Karen agreed with the proposal. Ian supported
198 the idea of more opportunities for public input.

199 **XII. Public Comment and Adjournment.**

200 Karen called for public comment and adjourned the meeting (time?).

201 **ACTION ITEMS**

202 [] Michael Smith will send the documented process for selling town property to David Bates. -
203 - *[Michael Smith]* Tomorrow

204 [] Michael Smith will continue to evaluate properties for sale, starting with smaller properties
205 and involving the conservation committee and planning board in the process. -- *[Michael Smith]*
206 *[Conservation Committee] [Planning Board]*

207 [] Michael Smith will work with the town forester, Tim Hulse, to evaluate large properties for
208 logging before selling. -- *[Michael Smith] [Tim Hulse]*

209 [] The Conservation Committee will discuss the lots at their next meeting. -- *[Conservation*
210 *Committee]*

211 [] Track down information about public access to Tom's Pond. -- *[Conservation Commission]*
212 *[Mike]*

213 [] Create a standing item for property sales in work group meetings. -- *[Karen]*

214 [] Notifying the board when all documents are available for review. -- *[Karen] [Janice]*

215 [] Creating packets earlier than the Thursday before the meeting. -- *[Janice]*

216 [] Experimenting with the idea of a technical review committee. -- *[David]*

217 [] Ensuring all subcommittee meetings are noticed and open to the public. -- *[Karen] [All*
218 *Board Members]*

219 [] Selectmen to sign a letter of support for HOP grant two. -- *[Selectmen]* tomorrow

220 [] Planning board to work with Central New Hampshire Regional Planning to compare zoning
221 ordinances with town objectives and suggest revisions. -- *[Planning Board] [Central New*
222 *Hampshire Regional Planning]*

223 [] Consideration of creating a housing commission similar to the agricultural commission. --
224 *[Select Board]*

225 [] Recommend that the town apply for the HOP2 grant. -- *[Planning Board]*

226 [] Write up a proposal for amending the rules of procedure to require 72 hours notice for
227 meetings. -- *[David]*

228 [] Gather data on the quantity and impact of STRs on housing opportunities by monitoring
229 platforms like Airbnb in surrounding communities. -- *[David] [Karen]*

230 [] Consider community engagement to invite stakeholders to planning board meetings or
231 separate events to share their ideas on STRs. -- *[Ian]*

232 [] David will send out an email with the three definitions and the topic for the agenda for the
233 next meeting. -- *[David]*

234 [] Karen will send a follow-up email to department heads asking how the board can assist
235 with their CIPs. -- *[Karen]*

236 [] The cell tower company should come before the board for review of the additional
237 antennas. -- *[Cell tower company]*

238 [] Review the tower height increase request and determine if it can go up another 15 feet. --
239 *[Planning board]*

240 [] Draft an amendment for the Master Plan update process to include six public comment
241 periods before the board votes. -- *[David]*

242 [] Continue talks at HAC and provide more specificity in recommendations. -- *[Ian]* Thursday



TOWN OF WARNER PLANNING BOARD

P.O. Box 265
Warner, New Hampshire 03278-0059
Telephone: (603) 456-2298, ext. 7
Fax: (603) 456-2297

APPLICATION FOR CONCEPTUAL CONSULTATION

Please note that this application is subject to NH RSA 91-A which affords the public access to this information.

ACTION NEEDED FROM THE ZONING BOARD OF ADJUSTMENT? YES _____ NO _____

TODAY'S DATE: 7-26-2024

NAME OF APPLICANT: Richard Antoine

ADDRESS: 576 Kearsarge mtn. Rd.

PHONE # 1: 603-396-0011 PHONE # 2: _____ E-MAIL: rantoine1012@gmail.com

OWNER(S) OF PROPERTY: Richard & Heidi Antoine

ADDRESS: 576 Kearsarge mtn. Rd.

PHONE # 1: 603-396-0011 PHONE # 2: _____ E-MAIL: _____

AGENT NAME: _____

ADDRESS: _____

PHONE # 1: _____ PHONE # 2: _____ E-MAIL: _____

STREET ADDRESS & DESCRIPTION OF PROPERTY: _____

MAP # 18 LOT # 0.39 ZONING DISTRICT: R3 NUMBER OF LOTS/UNITS: _____

FRONTAGE ON WHAT STREET(S): Kearsarge mountain Road

DEVELOPMENT AREAS: _____ acres/sq.ft. BUILDING/ADDITION: _____ sq. ft.

PROPOSED USE: _____


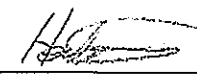
DETAILS OF REQUEST: Indicate number of separate pages attached, if necessary.

would like to subdivide my 12.5 Acre Lot, to two lots one 8.5 and one 4 acres, I want to give my DAUGHTER the 4 acres to Build A home on.

Authorization/Certification from Property Owner(s)

I (We) hereby designate _____ to serve as my agent and to appear and present said application before the Warner Planning Board

By submitting this application I (We) hereby authorize and understand that agents of the Town may visit the site without further notice.

Signature of Property Owner(s):   Date: 7-26-2024
(Need signatures of all owner's listed on deed)

Print Names Richard Antoine Heidi ANTOINE

Signature of Applicant(s) if different from Owner:

Date: _____

Print Names _____

For Planning Board Use Only

Date Received at Town Office: _____

Received By: _____

Date of Review: _____ Date of Hearing: _____

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Janice Loz - Landuse

From: Richard Antoine <rantoine@nhhfa.org>
Sent: Monday, July 29, 2024 11:58 AM
To: Janice Loz - Landuse
Subject: Conceptual Consultation.
Attachments: 2593_001.pdf

This email originated from outside of the organization. Do not click links or open attachments unless you are 100% sure that it is safe.

Hello,

Per our conversation this morning I am sending you my application for conceptual consultation. There are some areas I was unable to complete as I don't have the information or am not sure how to answer. If you could please complete the areas I was unable to I would appreciate that.

If there are any questions please feel free to contact me my email address is rantoine1012@gmail.com and my cell # is 603-396-0011.

Thank you very much.

Richard Antoine

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18-039



TOWN OF WARNER PLANNING BOARD

P.O. Box 265
Warner, New Hampshire 03278-0059
Telephone: (603) 456-2298, ext. 7
Fax: (603) 456-2297

APPLICATION FOR CONCEPTUAL CONSULTATION

Please note that this application is subject to NH RSA 91-A which affords the public access to this information.

ACTION NEEDED FROM THE ZONING BOARD OF ADJUSTMENT? YES NO

TODAY'S DATE: 7/23/24

NAME OF APPLICANT: Andrea & Joseph Brochu

ADDRESS: 171 A Rumford St Concord NH 03301

PHONE # 1: (603) 545-7133 PHONE # 2: (603) 219-8291 E-MAIL: anbardsley1@gmail

OWNER(S) OF PROPERTY: Russel Osborn

ADDRESS: 304 Bean Rd Warner NH

PHONE # 1: _____ PHONE # 2: e E-MAIL: e

AGENT NAME: N/A

ADDRESS: _____

PHONE # 1: _____ PHONE # 2: _____ E-MAIL: _____

STREET ADDRESS & DESCRIPTION OF PROPERTY: 304 Bean Rd Warner

MAP # 13 LOT # 18-3(4A) ZONING DISTRICT: R-2 NUMBER OF LOTS/UNITS: Current: 1
desired: 2

FRONTAGE ON WHAT STREET(S): 387.4' Bean Rd ; 387' Willaby Colby Ln

DEVELOPMENT AREAS: 3.5 (1.75 ea) acres/sq.ft. BUILDING/ADDITION: 1000 sq. ft.

PROPOSED USE: Subdivide and build a small house on the empty lot with road frontage on Willaby Colby Ln

DETAILS OF REQUEST: *Indicate number of separate pages attached, if necessary.* _____

Authorization/Certification from Property Owner(s)

I (We) hereby designate _____ to serve as my agent and to appear and present said application before the Warner Planning Board

By submitting this application I (We) hereby authorize and understand that agents of the Town may visit the site without further notice.

Signature of Property Owner(s): Russel W. Osborn Date: 8-5-2024
(Need signatures of all owner's listed on deed)

Print Names Russel W Osborn

Signature of Applicant(s) if different from Owner:

Andrea Brochu Date: 7/23/24

Print Names Andrea Brochu, Joseph Brochu

For Planning Board Use Only

Date Received at Town Office: _____

Received By: _____

Date of Review: _____ Date of Hearing: _____

Hand delivered by the
Received: Tax Collector
8/5/24

OWNERSHIP
 OSBORN, RUSSEL W
 OSBORN THERIAULT CHARLENE
 304 BEAN ROAD
 WARNER, NH 03278

TRANSFER OF OWNERSHIP
 Date

02/18/2020 OSBORN, RUSSEL W \$0
 BK/Pg: 3665, 716
 11/21/2016 WITASCHEK FAMILY TRUST \$260000
 BK/Pg: 3538, 716

PARCEL NUMBER
 13-018-3
 Parent Parcel Number
 Property Address
 Bean Road 304
 Neighborhood
 15 NEIGHBORHOOD #15
 Property Class
 101 One Family
 TAXING DISTRICT INFORMATION
 Jurisdiction 219 WARNER, NH
 Area 219
 Routing Number 2015

RESIDENTIAL

VALUATION RECORD

Assessment Year	04/01/2005	04/01/2010	04/01/2015	04/01/2020	04/01/2020	Worksheet
Reason for Change	2005 Update	2010 Reval	2015 PRELIM	2020 Prelim	2020 Reval	
VALUATION	118000	78250	68750	73500	73500	
Market	E 196420	172400	171750	215480	215480	73500
	I 314420	250650	240500	288980	288980	215480
VALUATION	I 118000	78250	68750	73500	73500	
Assessed/Use	E 196420	172400	171750	215480	215480	73500
	I 314420	250650	240500	288980	288980	215480

LAND DATA AND CALCULATIONS

Rating	Measured	Table	Prod. Factor	Base Rate	Adjusted Rate	Extended Value	Influence Factor	Value
Zoning:	2.0000		1.00	37500.00	37500.00	75000.00	-5%	71250
R2-Med Density Res	1.5000		1.00	1500.00	1500.00	2250		2250
Legal Acres:								
3.5000								

Supplemental Cards
 MEASURED ACREAGE 3.5000
 Supplemental Cards
 TRUE TAX VALUE 73500

Supplemental Cards
 TOTAL LAND VALUE 73500

Supplemental Cards
 TOTAL LAND VALUE 73500

G: GENERAL
 2015: 10/15/14 NTRM- INFO AT DOOR W/ TENANT.
 DWL- ADD CENTRAL HEAT- OIL TYPE, 3 FULL BATHS PER TENANT.
 O: OBSOLESCENCE
 PRIOR TO 2015-CARPENTER ANT PROBLEM, WDK / CPT (DIRT FLR)
 WALLS BUCKLING OUT, MAJOR ROT IN LOGS,

IMPROVEMENT DATA

PHYSICAL CHARACTERISTICS

Style: Log House
Occupancy: Single family
Story Height: 1.0
Finished Area: 1844
Attic: None
Basement: Full

ROOFING

Material: Asphalt shingles
Type: Gable
Framing: Std for class
Pitch: Not available

FLOORING

Slab B
Sub and joists 1.0
Concrete B
Linoleum 1.0
Softwood 1.0

EXTERIOR COVER

Log solid 1.0
Poured Concrete B

INTERIOR FINISH

Drywall 1.0
Log 1.0

ACCOMMODATIONS

Finished Rooms 7
Bedrooms 3
Rec Type: 2
Room Area: 1560
Fireplaces: 1

HEATING AND AIR CONDITIONING

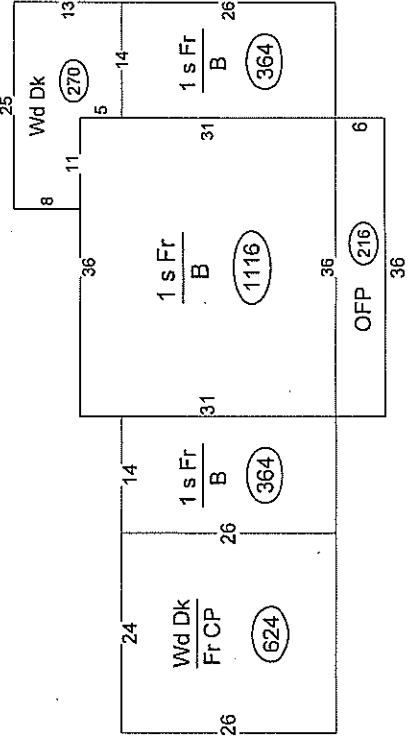
Primary Heat: Forced hot air
Lower Full Part
/Bsmt 1 Upper Upper

PLUMBING

5 Fixt. Baths 5
3 Fixt. Baths 6
Kit Sink 1
Water Heat 1
TOTAL 13

REMODELING AND MODERNIZATION

Amount Date



COLOR-NATURAL



SPECIAL FEATURES

Description	Value
D : FP-MAS	3950
HEARTH	1800

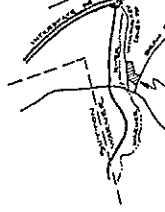
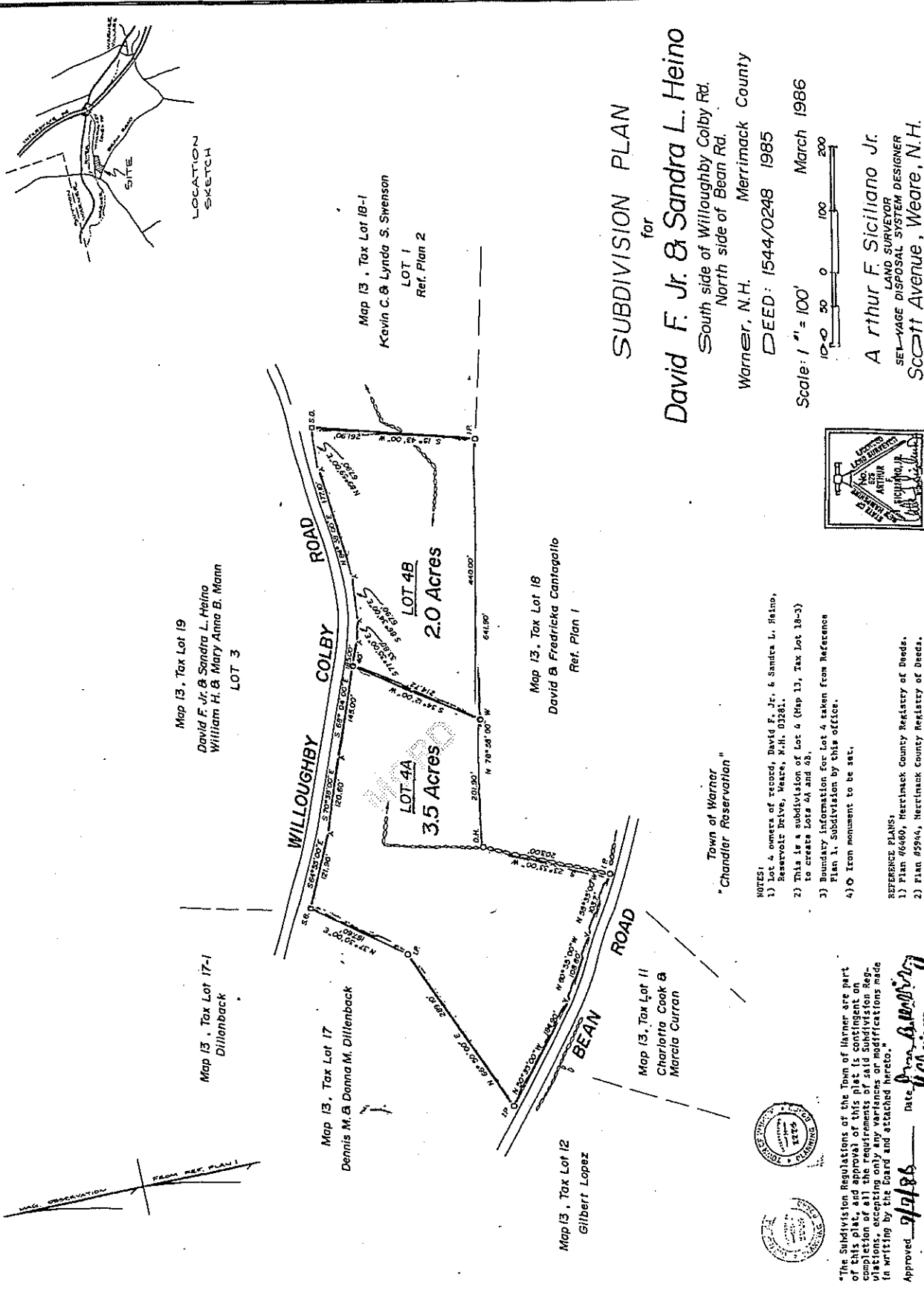
SUMMARY OF IMPROVEMENTS

ID	Use	Sty Hgt	Const Type	Grade	Year Eff Const	Year	Base Rate	Feat-Adj Rate	Size or Area	Computed Value	Phys Obsol Market %	Depr Adj	Comp Value			
E DWELL		0.00			1986	2001	FR	0.00	Y	3688	262430	17	5	100	206930	
G01 ICP		0.00	1		1990	1990	AV	19.10	N	17.57	24x 26	10960	22	3	100	8550

(LCM: 102.00)

Data Collector/Date: NTRM 10/15/2014
Appraiser/Date: DM 04/01/2020
Neighborhood: Neigh 15 AV
Supplemental Cards: 215480
TOTAL IMPROVEMENT VALUE

8984, Recorded July 14, 12:05 P.M. 1986, Attest: *[Signature]* Registrar



Map 13, Tax Lot 19
 David F. Jr. & Sandra L. Heino
 William H. & Mary Anna B. Mann
 LOT 3

Map 13, Tax Lot 18-1
 Kevin C. & Lynda S. Swenson
 LOT 1
 Ref. Plan 2

Map 13, Tax Lot 18
 David & Fredricka Cantagallo
 Ref. Plan 1

Map 13, Tax Lot 17
 Dennis M. & Donna M. Dillenback

Map 13, Tax Lot 17-1
 Dillenback

Map 13, Tax Lot 12
 Gilbert Lopez

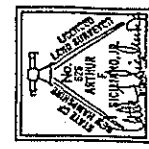
Map 13, Tax Lot 11
 Charlotta Cook & Marcia Curran

SUBDIVISION PLAN
 for
David F. Jr. & Sandra L. Heino
 South side of Wiloughby Colby Rd.
 North side of Bean Rd.
 Warner, N.H. Merrimack County

DEED: 1544/0248 1985
 March 1986

Scale: 1" = 100'

A rthur F. Siciliano Jr.
 LAND SURVEYOR
 SELF-VALE DISPOSAL SYSTEM DESIGNER
 Scott Avenue, Weare, N.H.



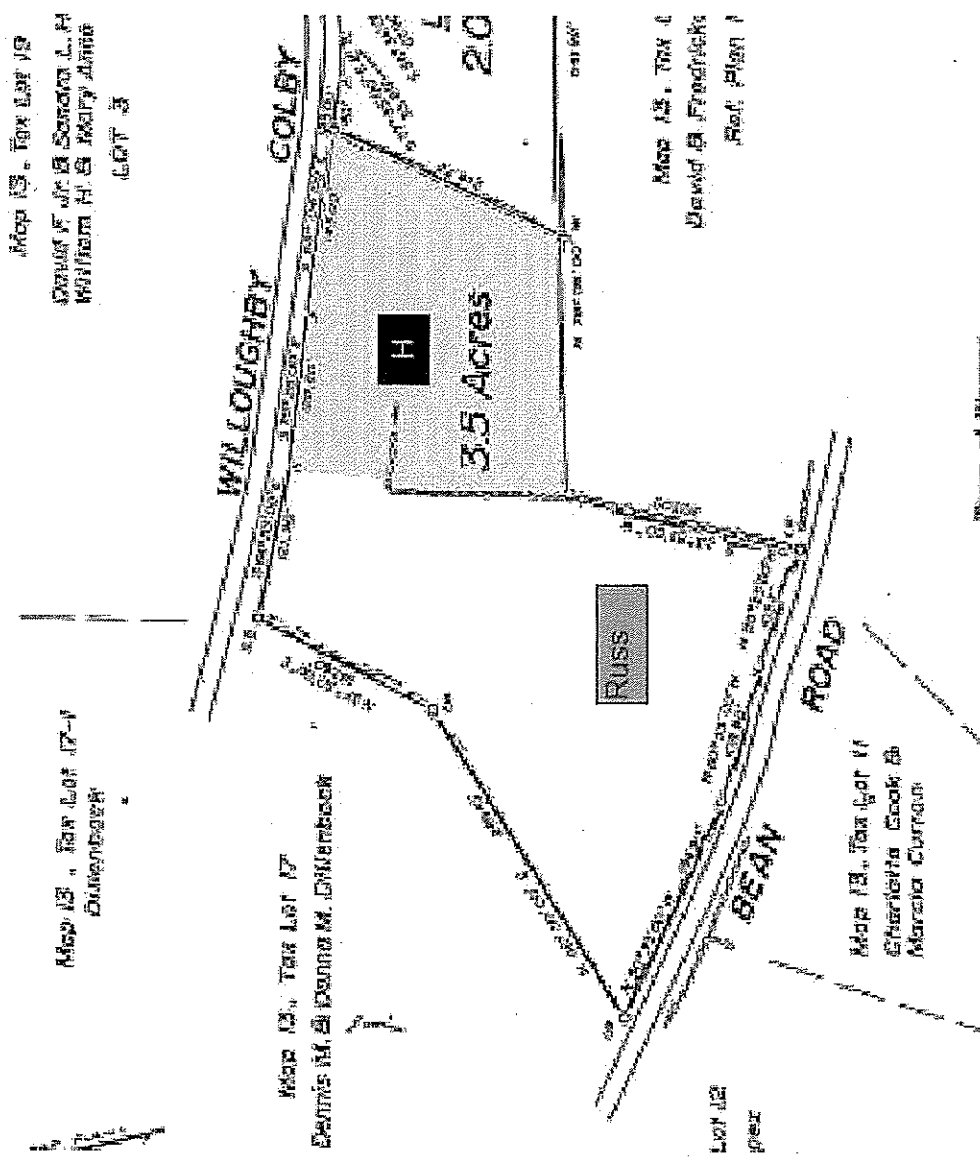
- NOTES:
- 1) Lot 4 owners of record, David F. Jr. & Sandra L. Heino, Reservole drive, Weare, N.H. 03281.
 - 2) This is a subdivision of Lot 4 (Map 13, Tax Lot 18-3) to create Lots 4A and 4B.
 - 3) Boundary information for Lot 4 taken from Reference Plan 1. Subdivision by this office.
 - 4) Iron monument to be set.
- REFERENCE PLANS:
- 1) Plan 46669, Merrimack County Registry of Deeds.
 - 2) Plan #594, Merrimack County Registry of Deeds.

"The Subdivision Regulations of the Town of Warner are part of the plat and approval of this plat is contingent on compliance with all applicable laws, rules, regulations, and orders, including any variances or modifications made in writing by the Board and attached hereto."

Approved 9/2/86 Date 9/2/86 *[Signature]*

A-14

Proposed Subdivision:
 Willoughby Colby Rd frontage = ~250 ft
 Acreage = ~1.25 to 1.75 Acres
 Proposed home in black





TOWN OF WARNER PLANNING BOARD

P.O. Box 265
Warner, New Hampshire 03278-0059
Telephone: (603) 456-2298, ext. 7
Fax: (603) 456-2297

APPLICATION FOR CONCEPTUAL CONSULTATION

Please note that this application is subject to NH RSA 91-A which affords the public access to this information.

ACTION NEEDED FROM THE ZONING BOARD OF ADJUSTMENT? YES _____ NO _____

TODAY'S DATE: 08/30/2024

NAME OF APPLICANT: Roman Catholic Bishop of Manchester, a corporation sole

ADDRESS: c/o Devine Millimet & Branch, Professional Association, 111 Amherst Street, Manchester, NH 03101

PHONE # 1: 603-895-8722 PHONE # 2: _____ E-MAIL: lgandia@devinemillimet.com

OWNER(S) OF PROPERTY: Catholic Orders of Foresters

ADDRESS: 355 Shuman Blvd, Naperville, IL 60566

PHONE # 1: _____ PHONE # 2: _____ E-MAIL: mdeering@catholicforesters.org

AGENT NAME: Devine Millimet & Branch, Professional Association

ADDRESS: 111 Amherst Street, Manchester, NH 03101

PHONE # 1: 603-695-8722 PHONE # 2: _____ E-MAIL: lgandia@devinemillimet.com

STREET ADDRESS & DESCRIPTION OF PROPERTY: 511 Kearsarge Mountain Road

MAP # 18 LOT # 37 ZONING DISTRICT: R-3/OC-1 NUMBER OF LOTS/UNITS: 1

FRONTAGE ON WHAT STREET(S): Kearsarge Mountain Road

DEVELOPMENT AREAS: existing acres/sq.ft. BUILDING/ADDITION: existing sq. ft.

PROPOSED USE: Church and other religious purposes including, but not limited to: meetings/retreats; mass services; religious gift shop; Knights of Columbus meetings; Cursillo; youth retreats; Catholic school professional days; priests retreats and seminars; Life Teen, NH; Catholic formation events; adult marriage retreats; rectory; residency for religious order(s); diocesan ministry offices

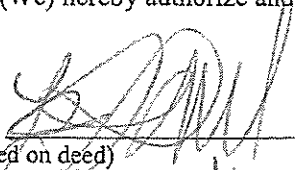
DETAILS OF REQUEST: Indicate number of separate pages attached, if necessary.

Seeking a zoning determination that the above uses are permitted as a matter of right or otherwise

Authorization/Certification from Property Owner(s)

I (We) hereby designate Devine, Millimet and Branch to serve as my agent and to appear and present said application before the Warner Planning Board

By submitting this application I (We) hereby authorize and understand that agents of the Town may visit the site without further notice.

Signature of Property Owner(s):  Date: 08-30-2024
(Need signatures of all owner's listed on deed)

see attached authorization letter
Print Names Catholic Orders of Foresters

Signature of Applicant(s) if different from Owner:

 Date: 8-30-2024

Print Names Mac Bryant (legal name: Rolfe McFall Bryant)
Finance Officer
Diocese of Manchester

For Planning Board Use Only

Date Received at Town Office: _____

Received By: _____

Date of Review: _____ Date of Hearing: _____

LETTER OF AUTHORIZATION

August 30, 2024


Town of Warner
Five E. Main Street
Warner, NH 03278

RE: Letter of Authorization
511 Kearsarge Mountain Road (Map 18 Lot 37)

To whom it may concern:

Catholic Order of Foresters, owner, of the property known as 511 Kearsarge Mountain Road (Map 18 Lot 37), authorize or otherwise give permission to the law firm Devine Millimet to sign an **APPLICATION FOR A CONCEPTUAL CONSULTATION** on our behalf.

Thank you,



Signature
Printed name: Michael J. Deering
Title: Vice President

For recorder's use:

Transfer Tax: \$49,777.00

Recording Fee: \$38.00

LCHIP Fee: \$25.00

Return to:

Catholic Order of Foresters

Attn: Investment Department

355 Shuman Boulevard

Naperville, IL 60563

QUITCLAIM DEED IN LIEU OF FORECLOSURE

Magdalen College, a New Hampshire nonprofit corporation, also known as Northeast Catholic College having an address of 511 Kearsarge Mountain Road, Warner, New Hampshire 03278 (hereinafter referred to as "Grantor"), for consideration paid to the Grantor by Catholic Order of Foresters, an Illinois domestic fraternal benefit society, having an address of 355 Shuman Boulevard, Naperville, IL 60563, the receipt and sufficiency of which is hereby acknowledged, grants to by Catholic Order of Foresters, an Illinois domestic fraternal benefit society, having an address of 355 Shuman Boulevard, Naperville, Illinois 60563 (hereinafter referred as "Grantee") with QUITCLAIM COVENANTS all of that certain real property, together with all buildings and improvements thereon, situate in Warner, Merrimack County, New Hampshire, described as follows:

See Exhibit A ("Property").

Meaning and intending to describe the same premises as described in the Mortgage, as such term is defined below.

The Grantor convey the Property in lieu of foreclosure by Grantee for that certain mortgage in favor of the Grantee in the original principal sum of \$3,100,000.00, executed by Grantor dated February 10, 2014, recorded on March 7, 2014, at Book 3432, Page 1580 of the Merrimack County Registry of Deeds ("Mortgage").

This is an absolute conveyance of title in consideration of the cancellation of the debt secured by the Mortgage and is not intended to be an additional security.

This Deed is not intended as a mortgage, trust conveyance or security of any kind. It being the intention of the Grantor and the Grantee that the interest of the Grantor and Grantee, their successors and/or assigns, in said Property under said Mortgage, whether guaranteed, insured or a direct loan, shall not merge, and that said Mortgage shall not merge, and that said Mortgage shall remain in full force and effect until specifically released.

This conveyance is made and accepted subject to any and all validly existing restrictions, conditions, covenants, easements, and rights of way, if any, applicable to and enforceable against

the above-described Property as now reflected by the records of said Registry of Deeds and to any applicable zoning laws or ordinances and building use occupancy codes.

Homestead: This is not homestead property.

CONTINUE FOR SIGNATURE PAGE

RECORDED

Executed this 12 day of April, 2024.

Magdalen College, a New Hampshire nonprofit corporation

By: Ryan Messmore
Name: Ryan Messmore
Title: President
Duly Authorized

State of New Hampshire
County of Merrimack

The foregoing instrument was acknowledged before me this 12 day of April, 2024, by Ryan Messmore, President of Magdalen College for the purposes herein intended.

Janet Duncan
Notary Public
Print Name: Janet Duncan
My Commission Expires: 9/7/2027

Affix Seal/
Stamp within
box

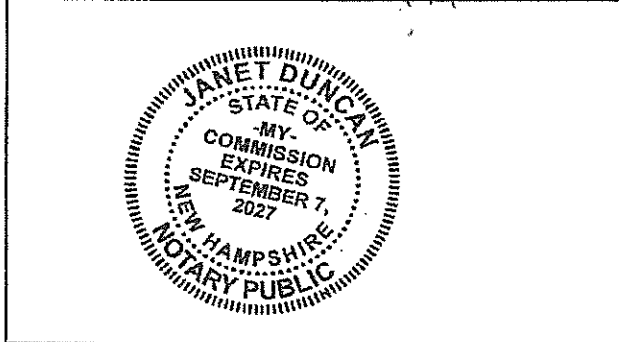


EXHIBIT A

Certain real property, with the improvements thereon, in the Town of Warner, Merrimack County, New Hampshire, which Tracts have been consolidated and are one tract of land notwithstanding the descriptions below:

TRACT ONE: Beginning 230 feet from the westerly side of Kearsarge Mountain Road (formerly sometimes known as Tory Hill Road) at the southwest corner of the land owned by Armond Beaudry and the land of Dove; thence

1. Westerly along the Dove land to the land of Arthur Bailey; thence
2. Southerly along the Bailey land to the southeast corner of his lot; thence
3. Easterly about six (6) rods to a gray birch tree, marked, standing on the easterly bank of French Brook, so-called; thence
4. Southerly near the easterly bank of said brook about thirty-six (36) rods to a hemlock tree, marked, standing near where said brook makes nearly a right angle and runs westerly; thence
5. Southerly about three (3) rods to the land of Bailey; thence
6. Along the land of Bailey and Paul J. Cubeta land; thence
7. Easterly along the Cubeta land to the Bleiler land; thence
8. Northerly along the Bleiler land; thence
9. Northerly along the Gilbert land; thence
10. Northerly along the Kline land; thence
11. Northerly along the Beaudry land to the point of beginning.

Containing 113 acres, more or less.

TRACT TWO: Beginning on the westerly side of Kearsarge Mountain Road (formerly sometimes known as Tory Hill Road), so-called, by land formerly owned by Jacob Chase, later said to be owned by Florence Webster Van Wagner; thence

1. Westerly by land said Chase, now Van Wagner, to land formerly of John E. Robertson, now owned by Arthur E. Bailey; thence
2. Northerly by land formerly of said Robertson, now Bailey, to land formerly of Bartlett Hardy later owned by Horace S. Martin, now owned by Paul J. Cubeta, and land formerly of George R. Burbank, now said to be owned by Walter F. Bleiler and Alice C. Bleiler; thence

3. Easterly by land of said Paul J. Cubeta and land formerly of said George R. Burbank, now Bleiler, to said road; thence
4. Southerly on said road to the place of beginning.

Containing 32 acres, more or less.

Excluding, however, from Tract One and/or Tract Two that certain Parcel A of 6.12 acres shown on a Plan entitled "Subdivision for Annexation of Land Between Magdalen College and George & Jeanne Hallenborg" by Clifford P. Richer, and recorded Plan 14056, and conveyed by Quitclaim Deed of Magdalen College to George B. Hallenborg and Jeanne C. Hallenborg recorded August 19, 1997, at Book 2066, Page 1607, and described as follows:

Beginning at a drill hole in the corner of a stone wall at the south east corner of tract and the corner of the west boundary line of land of George and Jeanne Hallenborg; thence

1. South 17°19' West a distance of 167.9 feet, more or less, along the stone wall and land of Hallenborg to a drill hole at the corner of a stone wall and land of Magdalen College; thence
2. North 12°38' West a distance of 1,029.3 feet, more or less, along land of Magdalen College to an iron pin set in the ground at the northwest corner of the herein described tract; thence
3. North 80°52' East a distance of 425.0 feet, more or less, to a drill hole in the corner of a stone wall at the land of Hallenborg; thence
4. Southerly a distance of 1,110 feet, more or less, along the stone wall and land of Hallenborg to the point of beginning.

End of excluded parcel description.

TRACT THREE: Beginning at the corner stone wall at Gilbert land on Kearsarge Mountain Road (formerly sometimes known as Tory Hill Road) and running

1. North along the Kearsarge Mountain Road a distance of 120 feet to an iron pin set in the ground; thence
2. West a distance of 230 feet to an iron pin set in the ground at the land of Armond Beaudry; thence
3. South a distance of 130 feet to the corner stone wall joining land of Wallace Gilbert; thence
4. East following the stone wall a distance of 230 feet along the wall joining Gilbert land to point of beginning.

Containing one-half acre, more or less.

RESTRICTIVE COVENANT

Magdelan College, a voluntary corporation chartered under the laws of the State of New Hampshire, with an address c/o 270 Daniel Webster Highway South, Bedford, New Hampshire 03102, being the owner of certain tracts of land located in Warner, Merrimack County, New Hampshire as described in a deed to Magdelan College recorded in the Merrimack County Registry of Deeds at Book _____, Page _____ (the "Property"); does hereby establish the following covenant and restriction on a portion of the above described land ("Restricted Use Area") being more particularly described as follows:

Beginning at a point being the Northwest corner of the Property; thence

South 82° 06' 44" East, a distance of 64.63 feet, more or less, to a point; thence

South 82° 55' 29" East, a distance of 223.31 feet, more or less, to a point; thence

South 82° 37' 08" East, a distance of 195.95 feet, more or less, to a point; thence

South 81° 52' 07" East, a distance of 431.87 feet, more or less, to a concrete bound (to be set); thence

Turning and running South 13° 29' 09" West, a distance of 1900.87 feet, more or less, to a concrete bound (to be set); thence

Turning and running South 85° 03' 12" East, a distance of 400.00 feet, more or less, to a point; thence

Turning and running North 22° 37' 32" West, a distance of 660.00 feet, more or less, to a point; thence

North 03° 05' 47" West, a distance of 291.70 feet, more or less, to a point; and thence

North 11° 08' 14" East, a distance of 1056.00 feet, more or less, to the point of beginning.

Containing 34.8 acres, more or less.

1. Magdelan College hereby agrees and covenants that it shall (i) keep and maintain the Restricted Use Area as an

open space, forest and conservation area; and (ii) use said area for purposes consistent therewith except as stated herein. Magdalan College specifically reserves to itself, its successors and assigns the right to use the Restricted Use Area for purposes not inconsistent with the above described covenant, including, but not limited to, outdoor recreational uses and activities, such as, but not by way of limitation, cross country skiing, fishing, nature and hiking trails and the like. In addition, Magdalan College specifically reserves the right to do all acts necessary to establish and facilitate such recreational activities, including, but not limited to cutting trails, removing trees (to the extent necessary to establish and maintain such activities), general pruning and maintenance.

2. This covenant shall run with the land, and nothing herein shall be deemed to create rights (express or implied) in third parties to use or enjoy the Restricted Use Area except as specifically provided herein.

3. Reference to Magdalan College herein shall include, Magdalan College, their successors, assigns, transferees and grantees.

4. The restrictive covenants contained herein may only be waived by the Town of Warner Planning Board.

5. The agreements, covenants and conditions herein contained shall be binding on the heirs, successors and assigns of Magdalan College.

IN WITNESS WHEREOF, Magdalan College has caused this instrument to be executed on the _____ day of _____, 19__.

MAGDELAN COLLEGE

By: _____
Its:

STATE OF NEW HAMPSHIRE
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 19__, by _____,

the _____ of Magdalan College on behalf
of the college.

Notary Public/Justice of the Peace

My Commission Expires:

KAV 8989

1533 Restrictive Covenant

Mag 8/7

central new hampshire
regional planning
commission



Bill Klubben, Executive Director
329 Daniel Webster Highway
Boscawen, New Hampshire 03303
Telephone: (603) 796-2129

Development Review Staff Report
Central New Hampshire Regional Planning Commission
for the
Town of Warner Planning Board
July 31, 1989

Name of Site Plan: Magdelen College
Owner of Record: Orion Land Corporation
Tax Parcel Number: 18-37

Description of Proposal: Applicant proposes to develop a college campus on a 132 acre tract off Tory Hill Road in the R-3 zone. The campus will include two dormitories, a multi-purpose building, two classroom buildings, an administration building, a chapel, and a president's house. The developed portion of the tract will be limited to 14.5 acres adjacent to Tory Hill Road. The remainder of the parcel slopes steeply away from Tory Hill Road toward Frazier Brook. The applicant proposes community water and sewer systems to serve the entire campus.

Checklist Review: We received a revised set of plans on July 27, 1989 which addresses the items noted as missing on the previous staff report. The applicant has requested a waiver of the requirement for 2 foot contours on the remainder of the property. The portion of the tract to be disturbed has been adequately contoured.

Comments: The Board has requested that the applicant prepare a traffic study and a fiscal impact analysis. We have met with applicant's traffic engineer to develop a more detailed scope of study, which has been sent to the Board by the traffic engineer. We have not had any detailed discussions with the applicant on the fiscal impact analysis. The applicant plans to have both studies delivered to the Board and to us on August 7. We plan to give the Board our opinion regarding completeness of the studies at the Board meeting on the evening of the seventh.

Conformance to Zoning Ordinance: Educational facilities are permitted by right in the R-3 zone, and are not permitted in the OC-1 zone. The proposal is for the campus to be entirely within the R-3 zone, which conforms to the zoning ordinance.

Allonstown	Pittsfield	Hillsborough	Deering	Bradford	Warner	Pembroke
Chichester	Boscawen	Salisbury	Hopkinton	Dunbarton	Canterbury	Webster
Henniker	Concord	Bow	Sutton	Loudon	Epsom	Merrimack Co.

Conformance to Site Plan Review Regulations: Section VI.D.1 requires that sufficient off-street parking be provided for the anticipated use to accommodate both employees and customers. The Institute of Transportation Engineers recommends 0.5 parking spaces per student. The plans show nearly as much parking, 70 spaces for 150 students.

Section VI.H requires that state approval for the sewage disposal system be obtained prior to Planning Board approval.

Section VI.J authorizes the Planning Board to hire an engineer, at the applicant's expense to inspect all site improvements. A letter certifying to the developer's concurrence to the employment of the engineer, if required, must be submitted by the applicant prior to approval.

Bonding of improvements may be required as specified in Section VI.L.

Special Concerns:

1. Fiscal and traffic impacts (discussed above).
2. The following additional concerns were raised by the Board at the July meeting:
 - a) adequate fire protection and fire flows; *must contact fire chief*
 - b) whether the campus would participate in the town's recycling program; *dry hydrant from post*
 - c) whether a permanent conservation easement on the remainder of the property would be acceptable to the applicant.
3. All state approvals should be obtained prior to final approval, including: water system, septic system, Wetlands Board, RSA 149:8A permit for significant alteration of terrain.

Status of Application:

Plans received by CNHRPC: June 12, 1989
Submission meeting: July 10, 1989 (acceptance delayed)
Revised plans received by CNHRPC: July 27, 1989
Submission meeting: August 7, 1989 (scheduled)

cc: Charles Hirshberg, P.E.

TOWN OF WARNER

ZONING ORDINANCE

AS ADOPTED MARCH 11, 1969

AND AMENDED MARCH 5, 1974,

MARCH 13, 1979, MARCH 8, 1983, AND MARCH 11, 1986

ARTICLE I

PREAMBLE

Pursuant to the authority conferred by applicable Sections of Chapters 673 through 677, New Hampshire Revised Statutes, 1983, as amended, and for the purpose of promoting the health, safety and welfare of the inhabitants, and preserving the values and charm now attached to the town, the following ordinance is hereby adopted by the Town of Warner, New Hampshire, in Town Meeting convened.

ARTICLE II

DISTRICTS

For the purposes of this ordinance, the Town of Warner is to be divided into the following districts as shown on the official zoning map filed with the Town Clerk and dated January 15, 1969, and as subsequently amended:

RESIDENTIAL DISTRICT R-1

RESIDENTIAL DISTRICT R-2

RESIDENTIAL DISTRICT R-3

OPEN CONSERVATION DISTRICT OC-1

OPEN RECREATION DISTRICT OR-1

BUSINESS DISTRICT B-1

COMMERCIAL DISTRICT C-1

TABLE I
USE REGULATIONS

Uses	District						
	R-1	R-2	R-3	B-1	C-1	OC-1	OR-1
RESIDENTIAL							
1. One-family detached dwelling	P	P	P	S	S	S	S
2. Two-family dwelling	P	P	S		S		
3. Multi-family dwelling	S	P	S		S		
4. One-family seasonal		P	P			S	S
5. Conversion of existing dwelling structure to multi-family dwelling	S	P	S	S	P	S	
COMMUNITY FACILITIES							
1. Church or other religious purposes	P	P	P	P			
2. Educational purposes which are religious sectarian, denominational or public	P	P	P	P	P		
3. Public park, conservation area and preserved open spaces including areas for passive recreation, but not including active recreational facilities	P	P	P	P	S	P	P
4. Nonprofit recreational facility, not including membership club	P	P	P			S	S
5. Nonprofit country, hunting, Fishing, tennis, or golf club		S	S			S	S
6. Nonprofit day camp or other nonprofit camp		S	S			S	S
7. Town building except equipment garage	P	P	P	P	P	P	P
8. Town cemetery, including any crematory therein	S	S	S	S	S	S	S
9. Public libraries, museums, historical association or society	P	S	S	P	P		