

**UNAPPROVED MINUTES**



**TOWN OF WARNER**

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**Planning Board Minutes**

Wednesday January 17, 2024

**I. OPEN MEETING at 6:30 PM.**

**ROLL CALL:**

Board Member	Present	Absent
David Bates		✓
Andy Bodnarik (Vice Chair)	✓	
Karen Coyne (Chair)	✓	
Dustin Chamberlain	✓	
James Gaffney	✓	
Ian Rogers	✓	
Harry Seidel – Select Board	✓	
Michael Smith (Arrived 6:50)	✓	

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

8 **II. APPROVAL OF MINUTES – None**

9 **III. PUBLIC COMMENT - None**

10 **IV. NEW BUSINESS**

11 **A. Conceptual Consultation Application**

12 **Applicant:** MainStreet Warner, LLC.

13 **Owners:** MainStreet Warner, LLC.

14 **Agent:** Amy Manzelli and Mike Harris, BCM Environmental & Land Law

15 **Address:** 17 Church Street, PO Box 130, Warner, NH 03278

16 **Map/Lot:** Map 31, Lot 053

17 **District:** B1

18 **Description:** Renovate Harris Masonic Lodge at 17 Church Street to be a community building  
19 for all ages for arts, education, food security and to provide a space for visual and  
20 performing arts.

21 Neil Nevins from MainStreet Warner presented a history of the property and how they want to  
22 continue the use of the Masonic Lodge as a community building for all ages for arts, education,  
23 food security, and provide a space for visual and performing arts. He continued to educate the  
24 Board on the motivations of using this lot as a multi-use space and collaborates with many non-  
25 profits within Warner. The major modifications will be the interior spaces and preserving the historic

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26 face of the building. The plan is to combine the two building and will include the complete  
27 architecture plans within the final Planning Board submission.

28 Andy and James started the conversation by asking for clarification on the property lines on the  
29 map, and where the town land begins. Andy discussed past RSA's that might apply to this property,  
30 and how this particular use falls into the established use table. Andy made a point that this property  
31 falls into non-profit recreational facility use as well as educational purposes. Mike Harris, lawyer for  
32 the applicant, said that in regards to the substantial differences in use, the Mason's used the building  
33 for, which predates the RSA's, is not that different than what they currently want the property to be  
34 used for. The site plan we want is more a community gathering place, and is not a big change in  
35 use. Andy suggestions addressing either this change in use or if it is a grandfathered use during  
36 the final application.

37 The applicant said they met with the Fire Marshal and went over the fire safety codes to make sure  
38 the building is up to code. James asked about hours of operation, the applicant said it would depend  
39 on current activities, but most likely will fall between afternoon and evening hours. Andy suggested  
40 to the applicant to get a site plan review and go over the checklist.

### 41 V. UNFINISHED BUSINESS

#### 42 A. Discuss Zoning Ordinance Amendments

- 43 1. Review Article XV. A & B. Non-conforming Use. Expanding definition to possibly include:
- 44 a. Generic definition of what is, "non-conforming."
  - 45 b. Define regulation for non-conforming use.
  - 46 c. Define regulation for non-conforming structure.
  - 47 d. Define regulation for non-conforming lot.

48 James said in terms of non-conforming use, before a lot can be used for any residential purpose  
49 it needs to go to the ZBA for approval. Janice said that usually applicants only go to the Zoning  
50 Board of Adjustment (ZBA) if there is a special exception or variance. Harry believed it should  
51 be only going to the Zoning Board for special exception criteria. Since right now, all that is  
52 needed is 50 feet of frontage and a septic approval for building on a non-conforming lot.

53 James said his main goal is for some sort of review by the ZBA with any non-conforming  
54 residential use lot. Andy suggested using language like 'in order to meet zoning compliance  
55 standards come to the ZBA for all non-conforming use lots'. Harry clarified with the Board that  
56 the ZBA does not do conceptual consultations, you either have a variance or special exception  
57 and you either get it or you don't. James said he wants the ZBA to look at a non-conforming lot  
58 to see if it meets the setbacks. Harry said that is usually the job of the Select Board when they  
59 review building permits. Harry says that to require someone to go through the Zoning Board  
60 might be a little bit aggressive of a tactic due to the rules of how the Zoning Board operates.  
61 Janice mentioned that in order to require applicants to go to the Zoning Board, non-conforming  
62 lots have to be built within the use table.

63 Harry said the 80% of the frontage is more complicated and not the solution, and should instead  
64 be 150 feet of minimum of frontage. Karen suggested a preamble that references a certain  
65 section, such as Article 4 General Provision F., which applies to all the following sections.

66 **Harry Seidel made a motion to adopt the preamble verbiage, include the preamble which**  
67 **comes from Article 4. General Provision F. Ian Rogers seconded the motion.** Discussion:  
68 None. **Voice Vote Tally:** 6 – 0. The motion was approved.

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69 **Harry Seidel made motion to approve 1a and 1b as amended. Andy Bodnarik seconded**  
70 **the motion.** Discussion: James discussed grammar changes of the amendment. New  
71 amendment with grammar changes moved by Andy Bodnarik. Dustin Chamberlain seconded  
72 the motion. **Voice Vote Tally:** 6 – 0. The motion was approved.

73 **Harry Seidel made a motion to accept B as written. Andy Bodnarik seconded the motion.**  
74 Discussion: None. **Voice Vote Tally:** 6 – 0. The motion was approved.

75 There was a discussion that after the issuance of a Building Permit, construction must be  
76 commenced within 6 months on the exterior and completed within 2 years except when the  
77 Board of Selectman extend the time.

78 Harry Seidel recommends to leave 5 but add commenced within 3 years. **Andy Bodnarik made**  
79 **the motion to add the reference on number 5 of the article of “commenced within 3**  
80 **years.” Harry Seidel seconded the motion.** Discussion: Andy asked about the FEMA  
81 requirements within three years. Harry read the amended version with natural disasters added.  
82 **Voice Vote Tally:** 6 – 0. The motion was approved.

83 2. Review language in Articles VI, VII, VIII, IX, C. Frontage, lot and yard requirements: 1. “Lots  
84 created by Minor Subdivision”. The town lawyer asked why only lots created by minor  
85 subdivisions are subject to setback requirements for those districts.

86 Harry mentioned adding a purpose section, above the preamble in the ordinances. The purpose  
87 help create a vision for the landowners that the zoning ordinances has rules that they must  
88 abide by. Andy worried about changing the legal language. Karen mentions instead of replacing  
89 the preamble but instead just add the final sentence. James worried about the legal implications  
90 of changing this document, however the Warner Master Plan is not a legal document and mixing  
91 the legal documents of the ordinances with the Master Plan may not be the best way to go about  
92 this. Ian mentioned that Harry’s idea of a preamble as well as a purpose section might be  
93 relevant here. Janice believed this type of vision statement might be more applicable in the  
94 Master Plan and not the legal ordinances.

95 **B. Revisions to Development Applications and Regulations – Site Plan Application and**  
96 **Regulations (The board has concluded the first and second reading).**

97 Completed.

98 **C. Start review of Subdivision application and Checklist**

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

101 Tabled to next meeting.

102 **VI. COMMUNICATIONS**

103 **VII. PUBLIC COMMENT**

104 Ed Mical discussed the Flood Plain Insurance maps. The state is revising the maps. The town has a  
105 chance to comment on the flood maps provisions. The Select Board will be putting together a  
106 subcommittee to work on this project.

107 **VIII. ADJOURN**

108 The meeting was adjourned at 9:20 PM.

/mbl