



## TOWN OF WARNER

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### Planning Board Meeting Minutes

Monday, June 2, 2025, 7:00 PM

Lower Meeting Room Warner Town Hall 5 E Main St

**I. OPEN MEETING AND PLEDGE OF ALLEGIANCE:** Chair Karen Coyne called the meeting to order at 7:04 PM. The Pledge of Allegiance was recited.

#### II. ROLL CALL

Planning Board Member	Present	Absent
Karen Coyne, Chair	✓	
James Gaffney	✓	
Pier D'Aprile	✓	
Barak Greene, Vice Chair	✓	
Ian Rogers	✓	
Harry Seidel – Select Board	✓	
John Leavitt	✓	
Bob Holmes – Alternate	✓	
Micah Thompson – Alternate	✓	

#### III. NON-PUBLIC SESSION

None

#### IV. PUBLIC COMMENT

None

#### V. NEW BUSINESS

##### A. Continuation of Public Hearing – Subdivision

**Applicant:** Peter & Denise R. Smith

**Owners:** Peter & Denise R. Smith

**Agent:** Patrick T. Dombroski

**Surveyor:** Patrick T. Dombroski

**Address:** 89 Mink Hill Lane, Warner, NH 03278

**District:** OC-1

**Description:** Proposing a two-lot subdivision of Map 09 Lot 011 into: Lot 11, a 26.14-acre lot, and Lot 11-1, a 6.06-acre lot.

Karen Coyne explained that this is a continuation of a previous public hearing to address two outstanding items (buildable area and how much the streams impact buildable area). The Planning Board reviewed a plan that depicts where the house would be located. The Applicant, Patrick Dombroski, explained that the buildable area for proposed lot 11-1 is 6.06 acres minus .38 acres for the wetland/waterways leaving the remaining buildable area 5.68 acres. The Planning Board thanked him for making the amendments to the map.

**Barak Greene made a motion seconded by Ian Rogers to accept the application as complete for the subdivision for Peter and Denise Smith. Motion passed unanimously.**

**James Gaffney made a motion seconded by John Leavitt to approve the proposed subdivision with the amendments and updates provided. Motion passed unanimously.**

**B. Peacock Subdivision Subdivision Decision / Site Plan Notes**

Karen Coyne explained that during a previous discussion there were conditions placed on the subdivision approval. The Planning Board wanted to bring this back up before reviewing the site plan. Jason Lopez advised the Planning Board that the conditions have not been addressed yet. He stated they are waiting to see if the site plan is approved/conditionally approved, if it is not, they will reassess the subdivision.

**C. Continuation of Public Hearing – Site Plan**

**Applicant:** Peacock Hill Rd LLC

**Owners:** Peacock Hill Rd LLC

**Agent:** Keach-Nordstrom Associates

**Surveyor:** Jacques E. Belanger Land Surveying PLLC

**Address:** Map 07 Lot 039 and 39-1 Route 103 East, Warner, NH

**District:** R-2 and R-3

**Description:** Two buildings with four units each to be used as multi-family housing

James Gaffney stated that the subdivision conditions need to be addressed before the Planning Board can move forward to the Site Plan Review. Karen Coyne stated the Planning Board previously approved the subdivision with the following conditions; V.A.7 of the Subdivision Application Checklist shall be met providing a true north and magnetic north arrow on plans. 2. V.A.15 of the Subdivision Application Checklist shall be met listing locations of existing and proposed buildings, drives, wells, septic systems, and all other manmade features. 3. V.C.2 of the Subdivision Application Checklist shall be met by providing State approval of individual water service and sewage disposal systems. Karen Coyne spoke about a letter received from the Warner River Local Advisory Committee (WRLAC) addressing their specific concerns. Jason Lopez advised the Planning Board that he has provided his response to the Planning Board and will forward it to the WRLAC after tonight's meeting. James Gaffney stated that typically the response would be sent to the WRLAC addressing their objections and then to the Planning Board. Jason Lopez assured the Planning Board that he will respond directly to the WRLAC. He explained that the DES Alteration of Terrain Bureau (AOT) will not issue a permit until they receive final correspondence.

Karen Coyne stated that at this point the Board needs to determine if the packet is complete. James Gaffney suggested going line by line from the letter sent to the applicant: Items missing from application; under "Items Submitted with Application: F - A list of all the proposed easements (with potential locations?) The Board reviewed information provided by the applicant and agreed item is complete. G – An elevation of the buildings indicating height of proposed structures. The Board reviewed information provided by the applicant and agreed item is complete. I – Excavation information including potential for blasting or material needed or removed from site. The Board reviewed information provided by the applicant. There was a discussion pertaining to the rules and regulations for blasting near a river. Jason Lopez advised the Planning Board that the plan is to do mechanical removal of rock. The Planning Board agreed item is complete.

Items Missing from the Plot Plan. F – a list of proposed easements, I – Center the lot on the vicinity map and label the districts J – Add the use of the abutting properties O – Add bearings and distances S – Show parking lines (spaces) on the site plan V – Indication storage and staging areas to be used during construction W – Indicate the location of the stop sign on the site plan Z(cc) – Include a note describing the intent and method for providing power (with potential locations?) Z(dd) – Add location, type and lumens for exterior lighting Z(ee) – Add location, size and design of a sign Z(A) – Add landscaping information such as locations of plants to be added such as bushes, trees, etc. Z(gg) – Intended visibility from the road (Not necessary but helpful?) The Planning Board determined that the missing information has been submitted.

Harry Seidel asked for a better understanding of the visibility from the road. Jason Lopez explained that the building will be visible when passing the driveway. Karen Coyne noted that buildable area is an amalgamation of the two zones not a singular buildable area. She stated that Chrissy Almanzar has reached out to legal counsel but she has not heard back. Jason Lopez explained that they followed the state subdivision guidelines using a prorated weighted average of the two soils. He stated that the calculation of the two lots would support eleven units but they are proposing eight. Barak Greene questioned if a multifamily is allowed in R-3 (audio difficulties 49:55). Jason Lopez stated that the ZBA would need to grant a special exception for a multi-family home. Karen Coyne stated that typically for the purpose of determining the completeness of the application the special exception is not necessary. She explained that in this case the buildable area is contingent upon the fact that a special exception is necessary. Jason Lopez stressed that the multi-family unit will be in R-2, he stated that this is one lot and the use is in R-2 but they are utilizing the soils within the entire property. He stated that he would like to hear the opinion of the Town's legal counsel before the Planning Board sends this to the ZBA for a special exception.

**James Gaffney made a motion seconded by Barak Greene that the application is determined to be substantially complete. Motion passed unanimously.**

The Planning Board began their discussion on the site plan review. Barak Greene asked what the grade will be on the proposed driveway. Jason Lopez referred to the plan sheet 11 #16 that reflects the center line profile is 14.26% and inside the curves the maximum is 15%. Barak Greene questioned if the Fire Department should weigh in on the grade of the driveway. James Gaffney stressed that the applicant needs to reply to the WRLAC as soon as possible and the Planning Board should invite the WRLAC to the next meeting. Harry Seidel spoke about the safety concern at the bottom of the driveway. Jason Lopez stated that NH DOT has reviewed the application and provided their input. The driveway permit will be forwarded to Director of Public Works Tim Allen for his input. Barak Greene questioned if there will be an easement that will allow the 4 units on the other lot that will rely on the driveway. Jason Lopez confirmed there will be an easement recorded. Barak Greene stated that road will need the town's approval to some degree. He suggested that it could be in the town's best interest to consider a bond for the driveway completion and in the case of blasting. James Gaffney questioned who would be responsible for the upkeep and maintenance of shared driveway. Jason Lopez advised the Board that would be the responsibility of the homeowners association and it would be outlined in the agreement with the homeowners association. Jason Lopez explained that the agreement would be submitted as part of the final conditions. James Gaffney would like that to be a condition of approval.

Jason Lopez recapped the list of amendments that the Alteration of Terrain required.

Karen Coyne asked for clarification on the driveway grade within thirty feet of 103. Jason Lopez estimated the slope to be less than 5% but stated that he would need to calculate that accurately. James Gaffney asked that septic maintenance be addressed and included as a condition of approval. There was a discussion regarding the regulations for well and septic versus municipal services. Karen Coyne and James Gaffney reiterated the importance of hearing from the WRLAC. There was a discussion regarding the date of the next meeting/discussion, possible dates are June 16<sup>th</sup> and July 7<sup>th</sup>. Jason Lopez will need to check his availability. He advised the Board that his client would not want community water. He stated that there will be one or two wells but they will not be community systems.

Micah Thompson asked for clarification on the Warner River Local Advisory Committee. James Gaffney explained that the Planning Board is required by law to notify the WRLAC when there is a proposed project with a certain distance to the Warner River. Jason Lopez explained there are rivers throughout the State that are monitored by local advisory committees who are concerned about the water quality. He stated that the

WRLAC is recognized by the State to oversee and provide input on development around those rivers. He stressed that the AOT leans heavily on the advice of the WRLAC. John Leavitt feels that it is unrealistic for the planning Board to place restrictions or investigate the usage of the water of the 4 units. He stated that when designing something you have to use the stats available and to expect anything more than that is unreasonable. Harry Seidel reiterated that his concern is the driveway in the winter. He asked if there is any modifications that could be made to address the winter safety issues.

Karen Coyne opened the floor for public input.

*Barbara Lassonde* stated that her big concern is the driveway because of the slope going down to Route 103 especially in the winter. She mentioned the other side of the parcel has more of a gradual slope and questioned whether they could switch the sides of the driveway.

*Dan Richardson* shared his concern regarding the driveway. He expressed his concern regarding run off and flooding of his property. He spoke about the increase in traffic and the headlights shining into his home.

No additional public input was offered. Karen Coyne opened the discussion for the Planning Board.

John Leavitt stated that he went to the property and agreed that the driveway is steep. He stated that the purpose of a serpentine driveway is to reduce the slope. He stated that what is there now is not what the final driveway will look like. John Leavitt stated it will be much less of a slope and much less dangerous. Pier D'Aprile asked if fencing was considered to block the headlights and block the view. Jason Lopez stated they had not considered fencing. He stated that he could discuss the option with his client. Pier D'Aprile and Dan Richardson discussed the issue of water on his property. Mr. Richardson explained that he is concerned that the alteration of terrain will increase the amount of water on his property. Jason Lopez offered to review the plan for drainage. He stated that from the high point the water will run into a treatment pond and into the ground water. He explained that it will end up in the Route 103 catch basins that the DOT maintains. He described the ditch lines that will direct the flow of run off. Jason Lopez explained that they are taking the run off from above the development and diverting it to a drainage manhole system to help minimize the size of the treatment ponds.

Barak Greene questioned if the bottom elevation of the swale can be changed to avoid water running on to Mr. Richardson's property. Jason Lopez explained the drainage analysis looks at the watershed areas. He stated a portion will flow down but a lot of that will be intercepted. He stated that it is the same volume of water. He explained that the total peak rate of runoff and with the level spreader they are capturing it.

Pier D'Aprile asked if the developer is open to addressing the abutter's runoff concerns and including his property in the calculations. Jason Lopez stated that in the sub catchment and the pre-development in a 2-year event, the pre-development was 1.06 cubic feet per second, and they dropped that down in their design plan to .71. He stated that a 10-year event is 2.46 cubic feet per second which would be down to 2.13, 25-year event is 4.8 cubic feet per second which would be down to 3.83, and in a 50-year event it was 5.77 which would be down to 5.64. Jason Lopez stated that they have taken the pre-development conditions today and through the design have already lowered it. He stated that Mr. Richardson will have less surface run off. He stated that he is willing to look to see if anything different can be done, he understands the concern.

Harry Seidel acknowledged that there is a lot of water that comes off the hill. He stated that the developer is trying to put in systems that slow the water coming off the hill and reduce it. Harry Seidel asked where the water goes at the bottom. Jason Lopez stated there are 3 culverts. Barak Greene asked about erosion control. Jason Lopez explained that anything over 3:1 will receive temporary erosion control mapping and the long-term vegetation root system will be relied on. He advised the Board that on a slope of 3:1 the AOT requires six feet of benching to be incorporated every thirty feet to prevent erosion.

James Gaffney stated he does have concern regarding the steep slope. He questioned if the Board would want to seek an outside opinion on the slope and other items that the Board is concerned about as well as the concerns of the abutters. Barak Greene recommends that the Town ask their engineer to take a look at this as a condition. Jason Lopez asked for clarification on the protocol for requesting a bond. James Gaffney stated that it has been a while since a bond has been required but the Town does have the right to request a bond. Jason Lopez asked for clarification on what the Town's concerns are that would require a bond. Barak Greene explained his concerns and would prefer to protect the Town's best interest regarding the driveway. Jason Lopez cautioned that a bond is essentially holding something over the developers' head to ensure he finishes the project, but it could prevent the financial feasibility of the project.

Pier D'Aprile asked when construction is estimated to begin. Jason Lopez advised the Board construction would begin upon approval. Pier D'Aprile suggested a condition of approval is to require the development of a storm water protection plan (SWPP).

*Donald Lassonde* questioned where the septic system would be located on the property. Jason Lopez pointed to the plan the location of the septic system. John Leavitt noted that the State bases their approval on the number of bedrooms, not the number of people. He further stated that to ask them to base the water system on the number of people is unreasonable.

Karen Coyne advised the Board that if this is sent to the engineer an escrow account would need to be established. Jason Lopez suggested continuing this discussion to the next meeting on June 16<sup>th</sup>. He stated that if the Town's engineering review is not ready for the next meeting he will file an extension. Karen Coyne stated that the Board needs to compile lists for the engineer, the conditions, and discuss the bond.

Dan Richardson encouraged the Board to visit the site. Jason Lopez gave permission to the Board to access the site.

At this time Karen Coyne continued the public hearing until June 16, 2025. The Board outlined the list for the engineer; driveway (pitch and grade) review, runoff/storm water, drainage/runoff to abutter, slope stabilization, water/well and retention or drainage points along the river. The Board outlined a list of conditions; legal opinion relating to buildable area for a multi-family in R-2/R-3, an HOA plan approved, septic approved, driveway approved, well approved, fire department consult, WRLAC, driveway slope at Route 103, Public Works consult and a storm water protection plan. The Board discussed researching a bond to address; erosion control or reclamation of the site and completion of the driveway if they do not build both units. Ian Rogers stated RSA 674:36 III-b pertains to issuing a bond.

James Gaffney asked if there are any concerns relating to other projects. Karen Coyne spoke about a packet that was anonymously dropped off at her home that relates to complaints and issues on two other Peacock projects. She explained that the packet included DES violations that led to a temporary cease and desist notice. Barak Greene suggested issuing a performance bond. He would like to know from legal counsel if the information contained in the packet can be used the setting the bond. Karen Coyne asked the Board how they felt about considering past indiscretions. She advised the Board that it is the same builder and a very similar project. She stated that one of the indiscretions were that the builder indicated that he did not want to pursue an approved septic until after he received site plan approval and he did not follow through. Barak Greene acknowledged that some jobs can become difficult. James Gaffney stated the Board could request references. Micah Thompson stated the Board should consider what steps to take if the builder does not follow through. James Gaffney asked if the Board could verify the validity of the anonymous packet. Karen Coyne stated she will ask Chrissy Almanzar to contact DES. Karen Coyne would like the Board to assist her in determining if there are any other properties he successfully completed. James Gaffney reiterated that references could be requested. Harry Seidel agreed that the Town should proceed with caution. He spoke

about the decision to not blast considering the ledge in the area and how that decision could cause the project to unravel quickly. Karen Coyne explained that the original site plan said that test pits completed in 2024 showed that there would not be any problems with blasting. She stated that it was not until the WRLAC pushed back on that, they decided to switch to the mechanical method.

#### **D. CIP Discussion**

Karen Coyne advised the Board the CIP review is being moved up. She is sending letters to other boards. She asked Pier D'Aprile to work with Director of Public Works Tim Allen again. She spoke about the importance of receiving CIP information from boards and town departments sooner rather than later. Barak Greene suggested having a meeting to focus on the condition of town roads. Karen Coyne suggested a joint meeting with the Select Board.

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

A. Housing Chapter Master Plan Draft - Review/Discussion – 1. Pier's Edit, 2. James' Edit. The public is invited and encouraged to attend.

The Planning Board reviewed Pier D'Aprile's proposed edit to the recommendations section of the Housing Chapter Master Plan Draft. The Planning Board voted by thumbs up to accept an edited version of Pier D'Aprile's proposed edit. The Planning Board voted by thumbs up to add an edit to address the resale of tax-deeded, town-owned property in accordance with state law. The final edit reads, "Review town owned properties for potential sales to create new housing and other opportunities such as annexation to abutting properties. The incremental tax revenue will be an additional benefit for the town. The town should expedite the sale of town-owned property confiscated for tax purposes, in accordance with state law."

#### **VII. MINUTES – April 7, 2025, April 21, 2025 and May 5, 2025**

No action taken.

#### **VIII. REPORTS**

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

None

**Select Board – Harry Seidel**

None

**Regional Planning Commission – Ben Frost, Barb Marty**

None

**Economic Development Advisory Committee – James Sherman**

None

**Agricultural Commission – James Gaffney**

None

**Regional Transportation Advisory Committee – Tim Blagden**

None

#### **IX. COMMUNICATIONS**

Pier D'Aprile advised the Planning Board that in a recent conversation with Tim Allen, he shared his frustration regarding paving funding being cut from the budget every year. Pier D'Aprile spoke about the importance to of coming up with creative ways to increase the tax revenue for the town. Micah Thompson agreed that the residents of town are frustrated with the condition of roads in Town. James Gaffney stated that there are options, there are roads that do not need to be paved.

#### **X. PUBLIC COMMENT**

None

#### **XI. ADJOURN**

The meeting adjourned at 9:55 PM  
Respectfully submitted on 6/7/25 by Tracy Doherty