



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 Work Session Minutes

Monday, April 15, 2024

I. OPEN MEETING at 7:03 PM

ROLL CALL:

Board Member	Present	Absent
Andy Bodnarik (Vice Chair)	✓	
David Bates	✓	
Karen Coyne (Chair)	✓	
James Gaffney	✓	
Ian Rogers	✓	
Harry Seidel – Selectboard	✓	

In Attendance: Janice Loz – Land Use Administration

7 II. PUBLIC COMMENT

8 In relation to public comment, Harry Seidel referenced a mailed item newsletter from Vital
9 Communities.

10 III. UNFINISHED BUSINESS

11 A. Conceptual Consultation Application

12 **Applicant:** Benjamin France

13 **Owners:** Jonathan France

14 **Agent:** Benjamin France

15 **Address:** 696 Pumpkin Hill Road, Warner, NH 03278

16 **Map/Lot:** Map 19, Lot 021

17 **District:** R3

18 **Description:** 65 Acres, equipment, pole barn, horse barn, house and fields. Park trucks,
19 containers on property maintenance on trucks, dumpster containers sort recyclable
20 materials. Determination of zoning violation for referral of a variance to Zoning
21 Board of Adjustment.

22 Karen started the conversation by saying there were a couple of questions that were submitted to
23 the Board. The first question pertains to, “not including hauling and processing of motor vehicles for
24 parts.” Karen asked the applicant if that was the plan to operate without hauling and processing.
25 The Ben France, the applicant, said he does have salvage saleable car parts.

26 David said he was under the impression after the last meeting that the cars on the lot weren't part
27 of your business. Also, that the demolition derby cars were not part of the business. The applicant

28 responded by saying there were some other cars on his lot and that he takes some parts off for the
29 purpose of sale or recycle.

30 Harry asked about the number of cars that are not on the road but are currently being stored at the
31 property. The applicant mentioned that in terms of business-related cars there are about five being
32 stored on his lot, non-business related vehicles would be about five or six. Harry clarified whether
33 these cars were in the process of being dismantled for salvage. The applicants say yes, the cars
34 are in the process of being dismantled and salvaged.

35 Harry asked whether the applicant would describe his operation as a salvage operation. The
36 applicant said he wouldn't classify it as that because they don't specifically just specialize in salvage.
37 He emphasized that he mostly sorts different materials then trucks that material off site.

38 Andy asked about the junkyard definition and how it was about basically storage containers and
39 about recycling of automotive parts. Some of the definitions that were suggested had nothing to do
40 with an automotive recycling yard or automotive junkyard. Andy said the definition of this business
41 and where it falls into the Table 1 Use Regulations (aka: use table), is something that the Board
42 has to consider when deciding on this case.

43 Karen opened the discussion for public comment.

44 Martha Mical spoke in favor of the applicants business on Pumpkin Hill Road. His business is to
45 clean up some of the fields that have a whole bunch of junk cars. She said he cleaned up several
46 properties, some not in town, some in town, that otherwise would be doing more harm than good.

47 Kathy Schoonmaker made clarifying statements as to what the operations of the business were.
48 The applicant helped her understand that it is a salvage and hauling business.

49 Kim France spoke, stating she is a resident of Durham. She expressed frustration about the two
50 complainants who brought this conversation to the Planning Board. She said they hadn't spoke
51 with the applicant about his business. She spoke to the applicant's character as someone that is
52 an approachable, loyal, and hardworking.

53 Barbara Marty said that consultations usually do not take public comment. She said it's the
54 Selectboard's responsibility to enforce the ordinances. The applicant said if he knew beforehand
55 that he had to come to the town for permission, he would have done it.

56 Andy reminded the Board that at the last meeting they were asked to look at the ordinances. They
57 were asked to look at the RSA definition in order to try to figure out how this fits into the use table.
58 There was a summary sheet of possible use table items and other ordinances. Andy said that the
59 main questions for this case are based on salvage. Salvage yards look at multiple types of materials
60 that involve more than just sorting and separation. Additionally, there is an issue in whether it's
61 under No. 16 "Retail and Services" as a "Junkyard" or whether it's under "Wholesale Transportation
62 and Industrial" as a "Wholesale Trade or Distribution" or an "Open Storage of Materials." Another
63 issue falls is that it's located in the R3 District. Andy thought it fits under No. 16 under "Retail and
64 Services" in the use table which would require a variance. James agreed with Andy, and that we
65 need to figure out the definition of junkyard and where it falls into our state ordinances as well as
66 the town's ordinances.

67 Ian added that he hears James' point as to the state definition of a junkyard and he understands
68 Andy's point about automotive uses. Ian spoke about how the applicant uses the property for sorting
69 metal and other materials. The RSA actually recognizes that and it defines junkyard as a place used
70 for storing and keeping, storing and selling, trading or otherwise transferring scrap, copper, brass,
71 rope, rags, and other scrap that are ferrous or non-ferrous metals. So, the sorting is kind of
72 encompassed in the definition.

73 Harry agreed and added that information on the Town's provisions in section E of the General
74 Provisions was relevant. He summarized that it discusses disposal of junk and that the
75 accumulation of waste articles can be detrimental to a property. He didn't think the applicant was
76 doing that.

77 David reiterated that this is a Conceptual Consultation, not a public hearing. He said the applicant
78 comes to get guidance from the Planning Board on how these fits into the regulations. David
79 mentioned that they should raise up entrepreneurial young people and support them in starting
80 businesses.

81 Karen reminded the Board that ultimately, in order for this business to operate, either we need to
82 make a recommendation or a referral to the Zoning Board of Adjustment (ZBA).

83 Harry mentions that the R3 District doesn't allow "motor vehicle machinery or other junkyard" in the
84 use table. Therefore, if it's not in the use table, then it needs to be sent for a variance from the ZBA.
85 The Chair agreed that since the property is within the R3, it's going to require a recommendation to
86 the ZBA.

87 **Harry Seidel made a motion for the recommendation for the Planning Board to do a referral**
88 **for this case to go to the Zoning Board. Ian Rogers seconded the motion. Discussion: None.**
89 **Voice Vote Tally: 6 to 0.**

90 **B. Short-Term Rental (STR) Discussion**

91 Harry summarized his paperwork and said the Planning Board needs to be very cautious about this
92 whole issue of how we're going to approach vacation rentals, and short-term rentals. Harry
93 continued his thoughts on the definition of 'dwelling unit' and referenced the Portsmouth case and
94 their definition. In which he incorporated the language that Portsmouth had into the existing Warner
95 definition. Harry suggested following the Portsmouth language and add "this use shall not be
96 deemed to include such transient occupancies as hotels, motels, rooming or boarding houses."
97 Harry suggested removing the word "lodging" from the use table, as well.

98 The Chair summarized the other changes to the language made during the discussion, making sure
99 the language was cohesive. The Board continued to discuss what was a Short-Term Rental and
100 the definition of a dwelling unit.

101 Harry understood that members of the Board disagree with some of the definitions and stated it is
102 important to bring this before the voters of Warner. James and Andy didn't want the definition to be
103 open ended and vague. James said we shouldn't bring something to the citizens that they don't
104 support.

105 Ian said it may be a a tough discussion for a lot of people. He said the conversation could be robust
106 and open or could go around in circles. However, everyone seems to believe we should put
107 something together and to bring to the voters.

108 David said that Janice has been the voice of the public on this issue and the lack of clarity with
109 STR's, and the Board needs to figure out something with this definition.

110 Andy mentioned that there is a nuisance provision that the Town needs to enforce and not the
111 Board. Andy said there are many parts to the STR discussion, and the noise provision is one of
112 those sidebars. Andy said the Board needs to make sure they are making progress with this
113 discussion and come up with a solution that answers the STR problem without taking away property
114 owner's rights.

115 Kathy Schoonmaker said she watched the Board talk about STR's for over a year. However, her
116 question is once all these definitions are decided how are they going to be enforced. The Chair
117 reminded Kathy that enforcement is through the Selectboard and not the Planning Board.

118 The Chair stated that the majority of the Warner population knows the ordinances the town has that
119 are in place. There is a desire that came from the public and the Land Use office to address STR's
120 in our ordinances. Once we figure out the STR problems, hopefully the public will bring the
121 enforcement issues to the Selectboard's attention.

122 David mentioned that there might be something to figuring out how the Selectboard handles the
123 enforcement issue with these new definitions.

124 The Board decided to address this issue at the next meeting. The Board members would come up
125 with the pros and cons of STR's, and what is the purpose of having an ordinance. This discussion
126 will continue at the May 20, 2024, work session.

127 **C. Finish review of all applications and regulations, deadline for feedback April 15, 2024.**

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

130 Andy remarked on typos that he said were on the application in terms of language consistency. The
131 next meeting these applications will be voted upon.

132 **IV. COMMUNICATIONS**

133 The Chair addressed an email that was received that came in after the last Planning Board meeting.
134 The Chair reads the email out loud to the Board. The email pertains to the behaviors of the Planning
135 Board members and being mindful not to criticize the Zoning Board of Adjustment.

136 Andy mentioned training for the New Hampshire Planning Board on June 18, 2024. Additionally,
137 another training is coming up in May for the Annual Spring Conference. All virtual conferences.

138 Ian discussed a previous Housing Advisory Committee meeting where they had been looking at an
139 informational pamphlet about ADUs. To educate the public about existing zoning ordinances and
140 ADU's.

141 **V. PUBLIC COMMENT**

142 None.

143 **VI. ADJOURN**

144 Meeting Adjourned at 9:37pm