



TOWN OF WARNER

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Zoning Board of Adjustment Minutes of November 13, 2024

1. The Chair opened the ZBA meeting at 7:02 PM.

ROLL CALL

Board Member	Present	Absent
Sam Carr (Alternate)	✓	
Jan Gugliotti		✓
Beverley Howe	✓	
Barbara Marty (Chair)	✓	
Lucinda McQueen	✓	
Derek Narducci (Vice Chair)	✓	
Harry Seidel (Alternate)	✓	
James Zablocki (Alternate)	✓	

3. UNFINISHED BUSINESS – Continuation of Case: 2024-6

The Chair noted that the Herricks are not in attendance for the continuance of the Warner Aggregate application. The Board agreed to go on to other agenda items and hope that the applicant would eventually show up.

4. REVIEW of MINUTES: October 9, 2024

A number of grammatical edits and minor edits to clarify the speakers meaning and an inaudible second on a motion were noted for correction.

Two members of the public entered the room and asked if this was the ZBA hearing? The Chair explained that they were in the right place but that the applicant was not present for the hearing. Mr. Nickerson, an abutter to the applicant, wanted to make a complaint about activities currently going on at the property. The Chair directed Mr. Nickerson to contact the Selectboard concerning any zoning violation.

Harry Seidel, ZBA alternate and member of the Selectboard, said he would look into activities on the Warner Aggregate property.

COMMUNICATIONS:

a. Update on court hearing

The Chair reported that she attended the hearing at Merrimack County Superior Court for the Dymnt vs. The Town of Warner and Warner ZBA on November 6th. The three attorneys stayed very close to the arguments laid out in the documents submitted in the pre-hearing filings. There was time spent at the beginning of the hearing with the attorneys helping the judge understand the layout of the property because there is no good plot plan to refer to. The Chair said that for her, it pointed out the need for the ZBA to enforce the checklist requirement to receive a good

APPROVED ZBA MINUTES

plot plan with every application. The Chair said the Board will be informed of the judge's decision when the Town is notified.

b. Flood Plain Ordinances

The Chair asked the Board to look at page six of the Flood Plain Ordinance, item VIII Variance and Appeals. The Chair said this section refers directly to the ZBA responsibilities for additional criteria to be considered when hearing an appeal on a property in the flood plain. Also, there are notification requirements concerning insurance costs and risk to life.

There was discussion about possibly needing to add a line to the variance application form asking if the property is in the Flood Plain. Questions about what the process would be prior to an appeal concerning development in the flood plain reaching the ZBA. Further questions about what the applicant's responsibility is when filing a building permit for property within the flood plain and the building inspector's authority.

Harry Seidel referred to revisions of the Flood Plain Ordinance that are being worked on for approval at the next Town election in March. There were a few copies handed out showing the proposed revisions. Harry reported that there was a review done by the New Hampshire Municipal Association, and on the back pages there's a notation in regards to verbiage that should be added to the site plan application. Harry Seidel promised to email the proposed changes to all ZBA members.

The Chair said the Flood Plain Ordinance was on the agenda to make everyone aware of the ZBAs responsibility concerning the ordinance and asked for everyone to take some time to read through it before the next meeting.

c. New Schedule of Application Deadlines

The Chair pointed out that the ZBA Rule of Procedure will need to be amended to coincide with the new 21-day schedule. Changes to the Rules of Procedure need to be discuss at a meeting before the change can be enacted, this will serve as the discussion so it can get a final vote in December.

Harry Seidel asked that the term "21-days" be replaced with "21 calendar days" on the schedule. He pointed out that on other documents 'days' refers to days when Town Hall is open, and this is especially important to delineate when assessing fines, like building without a permit. There was discussion about the problem in Town concerning building without a permit. Michael Smith, Selectboard Chair, said that he feels more than half of the people building right now do not have a permit. This violation impacts revenue to the town and circumvents building inspections. There was discussion about having an enforcement officer and the importance of enforcement.

The Chair made a motion to change the Rules of Procedure document *XII Applications C.* from 15 to 21 days to match the new application deadline, seconded by Bev Howe. Approved unanimously.

Derek Narducci made a motion to accept the edited minutes of October 9, 2024, seconded by Lucinda McQueen. Approved unanimously.

The Chair said she would send a courtesy letter to the owners of Warner Aggregates, LLC asking their intentions on continuing the application process.

Lucinda McQueen made a motion to adjourn, seconded by Bev Howe. Approved unanimously at 7:59.

Transcribed by Plaud AI edited and formatted by human.