



# TOWN OF WARNER

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## Zoning Board of Adjustment Minutes of December 11, 2024

### 1. The Chair opened the ZBA meeting at 7:04 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)	✓	

The Chair elevated Sam Carr to voting member in Jan Gugliotti's absence.

### 3. Unfinished Business – Continuation:

#### Application for a Special Exception

**Case:** 2024-06  
**Applicant:** Warner Aggregates, LLC  
**Property Owner:** Marlo and David Herrick  
**Parcel:** Map 3, Lot 84-10A  
**District:** C-1

**Details of Request:** To develop a parking and storage lot for campers

The applicant was not present. The Chair reported that she had spoken with the applicant, Marlo Herrick, and that Marlo confirmed that they do not plan on pursuing this application. The Chair asked for a motion to deny without prejudice?

Jim Zablocki had a question on why the motion is to deny the application since the hearing was not completed? The Chair said there is no option to be neutral, the choices are to Approve or Deny and the timeline to reach a decision is 90 days. The term 'without prejudice' allows the applicant to come back with the same application in the future.

Derek Narducci made a motion to deny the application for Case 2024-6 for a special exception to Marlo and David Herrick on parcel Map:3 Lot:84-10A in the C-1 district to develop a parking and storage lot for campers. Seconded by Bev Howe.

## ZBA Approved Minutes

The Chair called for discussion on the motion.

Sam Carr stated that he had gone by the property to see the status of what was happening, if anything, and didn't see anything happening, as it was brought up in the last meeting and didn't think the complaint from last month was an issue.

Derek Narducci said he also drove to the property and they knocked a couple of trees down, but that's it. So, they could have just been knocking those trees down for themselves. There was just some vegetation removed, and that was it.

Harry Seidel noted that the Herricks did file an intent to cut form with the Town. He noted a point of order that the motion needed to be amended to include the wording 'without prejudice'.

The Chair restated the motion and reminded the Board that a 'yes' is to deny the application without prejudice. Roll call vote was unanimous.

### 4. Review Minutes from November 13<sup>th</sup>.

The Chair called for the next agenda item. Harry asked if the minutes were available on the web site. The Chair replied that they are not published until approve but they were included in both the printed and emailed packets.

A member of the public, Nancy Martin, entered the meeting looking for the Warner Aggregate, LLC application hearing. She said she had tried to view the meeting via Zoom but received an error that the host was in another meeting. The Chair updated Mrs. Martin on the status of the application and apologized that she had to come out on a rainy night because of the Zoom not working properly.

A few edits to the November minutes were noted.

Sam Carr made a motion to accept the minutes from November 13<sup>th</sup>, 2024, as edited. Derek Narducci seconded. Voice vote carried unanimously.

### 5. Communications:

**a. Rules of Procedure Edit.** The Chair stated that the Board needs to vote on the edit to the rules of procedure to change the wording from 15 days to 21 calendar days.

Bev Howe made a motion to change the Rules of Procedure under XII. Applications, to amend the application deadline from 15 days to 21 calendar days. Lucinda McQueen seconded. The Chair repeated the motion and called for discussion, hearing none a voice vote was taken and passed unanimously.

**b. Flood Plain Ordinance.** Harry Seidel talked about the warrant article for the 2025, March town meeting to make changes to the Flood Plain Ordinance. The Chair promised to forward a copy of the edited document to the Board.

The Chair suggested adding the Flood Plain Ordinance to the ZBA web page and pointed out that none of the proposed edits are in the section that covers the ZBA responsibilities under *Section Item VIII Variances and Appeals*:

The Chair said she didn't think any changes to the ZBA documents were needed, because anything that would come to the ZBA dealing with either a variance or an appeal that involves a floodplain would already include all of that information.

## ZBA Approved Minutes

Jim Zablocki asked if there is anything specifically about floodplains in the applications?

The Chair stated no, but if an application came to the ZBA for a variance or appeal of administrative decision that involved either building or expanding in the floodplain, that applicant would need to supply the floodplain information that was with the building permit or with the original application that triggered the appeal.

### **Other Communications:**

Derek Narducci asked if there was progress on finding a new land use secretary. The Chair reported that there are two applicants coming in on December 17<sup>th</sup>, one is for a second interview.

Bev Howe asked if having the Chair performing some of the secretary duties can cause a conflict of interest? There was discussion about the responsibilities of the position, how the duties are being fulfilled now, and the importance of having the position filled. The Chair pointed out that Elizabeth Labbe and Kathy Frenette have taken on some of the communication responsibilities and that the ZBA has had a light workload recently, which makes keeping current easier.

The Chair asked if there were any other items to be discussed? Hearing none she asked for a motion to adjourn. Lucinda McQueen made a motion to adjourn, Bev Howe seconded, the motion passed unanimously at 7:27 pm.

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