

Town of Warner
Zoning Board of Adjustment



DRAFT Meeting Minutes
Wednesday October 10, 2018
7:00 PM Warner Town Hall Lower Level

1. OPEN MEETING and ROLL CALL

Harry Seidel	Barbara Marty	Howard Kirchner (Vice Chair)
Janice Loz (Chair)	Sam Bower	Beverley Howe Elizabeth Labbe

Andy Bodnarik is in the audience.

2. APPROVAL OF MINUTES June 13, 2018

Janice Loz requested that the minutes be edited for consistent font.
Sam noted that we discussed this very issue in the past – to minimize the time that the land use secretary spends on details that we leave the document as it is if it does not change the meaning.
Janice noted that we don't want to change what anyone says, but that she would like a consistent font and that future minutes will be condensed.

Howard Kirchner motions to approve the minutes as amended
Barbara Marty seconds.

Approved 6-0

3. NEW BUSINESS:

Review Zoning Ordinance Document changes from Sept 17 combined Planning Board/Zoning Board meeting.

The definitions document from which everyone is reading is a result of the ZBA/Planning Board combined meeting and includes all items which the combined boards agreed would be reviewed.

Sam commented that at the last meeting, we agreed to keep some items, and remove others. The topic comes back to how do we want information presented to us and where to find it.

All members would like either a glossary or an index to identify and reference terms in the document.

Elizabeth had a question about the dwelling section of the definitions. Dwelling, dwelling one family detached, etc.,

Janice noted that dwelling is a reference to our Use Table.

Abutter discussion resulted in agreement that abutter should be listed as "Abutter" means any person whose property is located and adjoins or is directly across the street or stream from the land under consideration. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. More detailed definitions can be found at RSA 356, RSA 205, and RSA 672.

ZBA Oct 10, 2018 DRAFT Meeting Minutes

The board discussed using term “customarily incidental” when referring to accessory buildings. No decisions were made about the use but Andy noted that if you change in one place, you need to change in all places where the term appears. The use of the word “customarily” is the beginning of a barrier, and is inviting trouble. Harry suggested that the word “customarily” is not a precise word; Incidental and subordinate is straight forward.

Sam noticed that accessory building is in our ordinance, but not in the RSA.

Harry asked if an accessory building can become an accessory dwelling.

Janice responded, “No because it would have to be permitted in that area. You would change the whole use.”

Sam noted that in the use table there is only accessory apartment.

Andy pointed out that if the accessory apartment was in black, then it is in the use table, on the last page.

Sam had a question about finding the definitions. He asked if it made sense to have a glossary.

Janice and Beverley felt it was becoming too unwieldy and complicated.

Janice would like all the definitions to go in the front of the ordinance manual.

All agreed that the whole point is so that we will know where to find something.

Janice suggested that the back glossary will reference where you will find a term in the ordinance.

Everyone agreed that we have not decided anything yet, we are making suggestions/recommendation. The software that we use to create the document will have the ability to create an glossary. When the ZBA meets with the PB on Oct 29, the PB will have their input.

Sam pointed out that we will have to happen in two difference stages. 1) agreement with the planning board that we want an glossary in the back. And 2) going through the definitions one at a time, and making edits to the definitions.

Harry suggested that if we cannot understand, in the public venue, then we will be confused, and pointed out another confusing term: accessory use. The ZBA needs to understand what the words mean.

Janice asked Andy to look into accessory use to find a way to clean it up, and she recalls that there have been a lot of questions about accessory apartments.

Andy suspects that the term, accessory apartment, is in the current ordinance. He will check and get back to the board.

Sam noted that the Hopkinton definition of accessory apartment makes it pretty clear cut.

Harry feels that it is too many words.

Sam wonders if we want to bind ourselves to % of property for one thing, and % for another. Then the board can look at the cases one at a time. It leads to more in-depth conversation, and to be more flexible. Sam feels we want to be sure we are thorough, and not add definitions to an ordinance because then we are bound to them.

Janice has a question on affordable housing. It is defined on Page 27 of the zoning ordinance, under Article 14A. Why do we have to define it on the definitions sections as well?

Elizabeth likes the idea of having all definitions in one place.

Janice feels that there is so much more detail that goes with work force housing in the actual ordinance, and does not know if a definition in separate area is necessary.

Sam suggested that we define terms in the ordinance, and only terms that come up in our ordinance get a hard definition. Then for other terms, we have a suggested dictionary.

Andy said that Work Force Housing was a definition in the old zoning ordinance, and covers market rates housing, affordable housing and work force housing in the ordinance.

Janice does not feel that we need to redefine if it is already well defined in the ordinance.

Andy suggested that we have to decide if we want definitions in the front, the back, or leave them as-is when people don't know where to find them.

Barbara suggested that affordable has to be defined because it is part of the definition of workforce housing. It is safer leaving it where it is now.

Barbara feels we do not use the terms Assets anywhere.

Andy reported that Assets is in the old ordinance, it shows up on Page 31. They also get into federal statute.

Harry would like all those to be listed with the workforce article. They don't need to be handled in the front.

Agriculture and farming was removed and put back in.

Sam suggested that we work on this on our own time, and then bring our suggestions to the joint meeting.

Janice asked everyone to make a list to bring to the joint meeting. That would get us through the meeting quicker.

Sam's suggestion is that we only define terms that are found in the ordinance.

Howard noted that the PB makes the decisions after our combined meeting.

Janice suggested that we define only things that are not thoroughly defined. Please bring your specifics to the PB meeting.

Sam suggested that if we rearrange, as opposed to adding and changing definitions, then we would be having the voters look at moving as opposed to changing/editing.

Andy had a note that Variance is not defined in the ordinance.

Sam asked if it needs a definition if it has five requirements.

Review Landuse budget –

Elizabeth suggested that the Landuse Secretary position is not allotted enough hours to do the job. Secretary, Diane, explained that she agreed to 27 hr work week when she accepted the position. At the time (one year ago) the workload was closer to 40 hrs (or more) due to the gun range, and has not decreased over time although everyone expected it would decrease. While there may be enough work for a full time position, there is not money in the budget to support a full time position, and Diane agreed to a part-time and is not interested in additional hours.

There is a proposed budget item - Professional Planning Assistant services option. The position was discussed with Jim Bingham (Town Administrator, Janice Loz (Chair of ZBA), and Ben Frost (Chair of

ZBA Oct 10, 2018 DRAFT Meeting Minutes

Planning Board). This would be a person that is shared with other towns and would offload some of the work for the planning board.

Janice did not want the professional person working on ZBA cases as it could add another layer between the Board, the Land Use Secretary and the applicant. It would be beneficial if this position could free up time for the Secretary to dedicate to the ZBA.

Barbara did not know how they justify the expense.

Howard asked if there are other towns who are doing this.

Janice responded that Bradford and Sutton are looking at this. Harry described this service for another town as a professional planner. They would hire a code environment officer, study the ordinance, and suggest a special exception or a variance. It was a code enforcement officer.

Warner does not have a code enforcement officer.

Harry feels this person would be a code enforcement officer based on his experience being on the other side of this for many years.

The Zoning Board does not feel that there would be a lot of use for the role of professional planning assistant.

Sam thought it could be a great help for applications, but asked to what degree is this the town's responsibility for a site plan development review service if a resident of Warner calls and asks for someone from the town to come to their property and make suggestions. A wealthy applicant can hire representation.

Andy answered that in terms of helping applicants, we try to help people through the application itself.

Janice redesigned the variance form to make it easier and clearer for applicants.

4. COMMUNICATIONS:

Letter from Kay Steen to Zoning board from August 2018

Sam Bower recused himself.

Elizabeth Labbe is elevated to voting member.

It is the selectmen's obligation to enforce what has been done. There is not anything that the ZBA is responsible to do. Both parties have all the information that is in the file. Howard asked if there is anything that the Zoning Board could do to clear up something like this. It appears to be an issue between home owners, and both owners have representation going forward.

Sam Bower spoke about one of the concerns in the letter: the driveway is an easement for the power company. And one of Kay's concerns is that the neighbors had blocked the driveway. One of Kay Steen's questions is there anything that can be done, which seems to be a complaint for the selectmen. If it is an actual complaint, the BOS would enforce.

Motion to Adjourn meeting by Barbara.

Second by Harry.

Approved 6-0.

Meeting adjourned at 8:43pm.

*ZBA meetings will end at 10:00 P.M. Items remaining on the agenda will be heard first at the next scheduled monthly meeting.

All interested parties are invited to attend.
(Agenda is posted when received)