

APPROVED – FEBRUARY 1, 2021



Town of Warner

Planning Board

APPROVED – Meeting Minutes

January 20, 2021, 7:00 PM

No physical location for this meeting; it was conducted via Zoom.

1. OPEN MEETING and ROLL CALL

At 7:00 p.m., Chairman Ben Frost called the meeting to order and made this statement: “As Chair of the Planning Board, I am recognizing that an emergency exists and I’m invoking the provisions of RSA 91-A: 2,III (b). Federal, State and local officials have determined that large gatherings people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is essential to the continued operation of the Town of Warner government and services which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location. At this time, I also welcome members of the public accessing this meeting remotely Even though this meeting is being conducted in an unusual manner and under unusual circumstances, the usual rules of conduct and decorum will apply. Please note that all votes taken during this meeting will be by roll call vote.”

ROLL CALL: Ben Frost (Chairman), 1 other in residence; Don Hall (Vice-Chairman), 3 others in residence; Clyde Carson (Board of Selectmen representative), 1 other in residence; Romeo Dubreuil, 1 in residence; Andy Bodnarik, 2 others in residence; Ben Inman, 1 other in residence; James Gaffney, alone

Absent: Diana Corriveau (alternate)

Also present: Janice Loz,() Rebecca Courser, Alice Chamberlain

2. Review of Minutes of November 16, 2020

It was moved by Andy Bodnarik and seconded by Don Hall to approve the minutes of November 16, 2020, as circulated.

Roll call vote:

Don Hall: Yes, Ben Inman: Yes, James Gaffney: Abstained, Andy Bodnarik: Yes, Clyde Carson: Yes, Ben Frost: Yes

The motion passed.

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3. Proposed Zoning Amendments

Chair Frost said the Planning Board has to submit anything for vote at Town Meeting by February 2, 2021. There must be at least one public hearing to make any zoning changes, and that is why they are there that evening. A second hearing may be held if needed. The date of February 1, 2021 is being tentatively held for such a meeting.

Chair Frost said the first three proposed amendments have come from the Zoning Board and can be amended by the Planning Board, accepted as written, or thrown out. The last two proposed amendments are petition amendments coming from the public. These cannot be amended by the Planning Board and will move forward as they are written. The amendments will be labeled “A through E.” On the ballot they will be labeled as “1-5” or however many amendments make it that far.

After a brief description of each proposed amendment by the Chair, the public hearing portion of the meeting would ensue and comments will be heard. Chair Frost said he recognizes that there are some arguments, debate and hostility surrounding some of these proposed amendments. He asked people to leave their personal conflicts out of the discussions, and said that there should not be any applause or other such reactions as the meeting progresses; this is not a popularity contest.

Chair Frost asked for comments to be brief and to not repeat what anyone else has said. Individuals can state their agreement with another individual, however. Questions should be directed to the Chair. There should be no side conversations or arguments. Letters that have been sent into the Town will be entered into the file but will not be read into the record. There were too many to read and would take about an hour and a half to do so. He has read them all. He encouraged those who sent a letter to speak and summarize their thoughts presented in the letter to begin a conversation. He noted there were 81 participants at that evening’s meeting.

It was thought that amendment “C” having to do with agro-tourism should be discussed first, as that seemed to be the amendment most people were present to discuss. The Planning Board members agreed that this would be appropriate.

C. Agro-Tourism

Chair Frost said that Agro-Tourism has gained a lot of attention over the years and neighboring Henniker had a case that went all the way to the Supreme Court. The question is whether a commercial enterprise can occur without special exception from the Zoning Board in a location that was permitted for agricultural use. It was determined that agro-tourism was not deemed part of the statutory allowances in 2015. Senator David Boutin shortly after, created a task force to research this issue which seemed to be growing. Chair Frost was on this task force and what the legislature adopted in 2016 he believed balanced municipalities oversight and agriculture, which needs this type of tourism to survive. RSA 21:34 had a definition of agro-tourism at the end of it but didn’t have any reference towards agriculture so they had to embed the definition of agro- tourism into the definition of agriculture. Other statutes were amended as well, with regards to the creation and wording of local regulation in towns. Agro-tourism can’t be prohibited but may be subject to local or regional regulations. There are grandfathered uses, however. If the use is discontinued, the regulatory process must be followed to reinstate the use.

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The proposal is to require new or expanded agro-tourism activities by Zoning Board of Adjustment, except for B1 (village center) and Intervale. Agriculture is not allowed in those districts. Existing agro-tourism can be continued. Whether or not this is passed, all new or expanded agro-tourism must comply with town regulations (building permit, site plan review) to follow state law.

The public was encouraged to speak on this matter.

Jim Zablocki lives on Pumpkin Hill Road. He has worked in agriculture over 45 years in all sizes and configurations. He appreciates the challenges of farms and supports the amendment change. He feels it makes a fair playing ground for all residents.

James Gaffney asked if site plan review were necessary for commercial building updates. Does this pertain to agro-tourism? Chair Frost said residential buildings require a building permit only. Commercial building updates will be subject to site plan review. Are all agro-tourism uses (erecting a barn for example) required to go through site plan review? Chair Frost said he believed they would be required to go through site plan review. Whether they do or not is another story. They cannot make people come before the board.

Courtney Rogers said she and her husband own and operate Roger's Maple Syrup in Warner. They've had open houses during maple weekend, and sometimes 4-H groups and kindergarten classes come visit. Are they going to have to ask permission whenever they want to do this now? Chair Frost said it sounds like they have already been doing this so could continue. From a zoning standpoint, this is only for new or expanded uses.

Chair Frost shared his screen to show the wording for the proposal. It would add a row to the use table under agriculture showing that agro-tourism is allowed by special exception in R1, 2, 3, C-1, OC-2 and OR districts.

Sherry Gould from Dayspring Farm on 114 is against this amendment. Their business is not a 9-5 job and that was part of why agro-tourism is set up; it can be hard to make money. If some contact can be made with the public on their farm, it is helpful.

Deb Billings said she understands that special exception may be required if this amendment passes. If it doesn't go through, what is the alternative? Chair Frost said they would not need to go to the ZBA but they would need to go to the Planning Board for site plan review, as is the case now.

Alice Chamberlain commented that there is tremendous support for the farming community in Warner. The comments she has seen and the concern is that the amendment is too broad. It is going to impact the creativity of the way people operate to make a living. The other side of the concern is her question. People who have moved here for quiet enjoyment are going to be in a place where traffic, increased activity, noise and music is going to impact their way of life. She wonders if they can narrow the amendment to address the concerns of the people rather than paint it with a broad brush. How would an event center be regulated without this amendment? How would they do it now? Chair Frost said if it were associated with a farm, arguably it is agro-tourism. This is what happened in Henniker. Gould Hill Farm is being used for weddings and it is currently allowed as long as it is an accessory or secondary use of the farm and people are going there to enjoy the farm environment as part of the event they are conducting. It is allowed under statute and is subject to regulation of the town; it is an allowed use. It would be subject to

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site plan review by the Planning Board. The Planning Board considers things like traffic noise, light, hours of operation and impact on the neighborhood. They'd have a public hearing with abutters notices. It is a process that is similar in some regards to other special exceptions. Alice asked if there would be more or less regulation under the amendment. Chair Frost said that this would create an additional hurdle.

Andy Bodnarik said depending on the zone, special exception may already be required for agriculture, so it may not be that much of an additional hurdle. The use table will illustrate this.

Jessica Essalyn said she is a relatively new resident in Warner and has lived there for four years. She wanted to say that as a new resident who also came there to be in a quiet place, she is concerned that this additional hurdle might cause some of the farms to go under. Farms are then usually replaced by noisy things or housing developments. This can change the entire community. She doesn't want an extra hurdle for the farmers.

Barb Marty said there does need to be a balance between the residents and the farms that want to start commercial activities bringing additional traffic and noise. She thinks there should be an avenue for them to do it and this amendment does that. It allows for the neighbors to know what is going on and abutters to be notified.

Mike and Missy from Pumpkin Blossom Farm were opposed to the proposed amendment. He owns a farm and knows that he is grandfathered, but wondered about those that are not. Can a farm do these accessory elements under agro-tourism now without a special exception? Chair Frost answered in the affirmative. Mike said if this amendment passes, he would then need to get a special exception. Chair Frost agreed and when asked, said that the exception is not guaranteed. Mike said that this change infringes on the right of the farmer in this town. Chair Frost said that agro-tourism is allowed as long as regulations are followed. Mike said in his view, the farms in Warner have a set of rules that they can operate under. If this passes, this changes things and activities that the farms want to do cannot be guaranteed. He asked what harm by agro-tourism does this amendment cure? He thinks this is a solution that is in search of a problem. He feels the term "agro-tourism" is being vilified. This practice should be celebrated to drive people to the town and support the local economy. He sees no harm right now with agro-tourism. He hasn't heard an outcry of agro-tourism specific things that are causing a problem. Why put this extra burden on farms and right now at this particular time?

Missy from Pumpkin Hill Farm said to dispel some thoughts and ideas about what they have in mind, there is grumbling about being grandfathered. She doesn't want to perpetuate the thought that they are going to take this on a "runaway train." There is a history; six years ago there was a special exception hearing about an idea. They've been involved in the community, have kids in all three schools, sports, etc. They would never take advantage of this opportunity. It isn't something they intend to somehow mascaared it as a commercial event center. It was not their intention and won't be going forward. They are learning as they go. When they asked to use the barn for weddings in the past, they thought it would be welcomed. Their intentions were always good. They don't want the opportunity taken away to be able to host an event on their farm. Had they had that mission, they could have had a complete booked wedding schedule for this summer. That wasn't their mission. She wanted to stress to her neighbors that they are proud of what they have done and have the best intentions.

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Courtney Rogers said this is a confusing amendment. She is opposed to it and feels the town is lacking in business as evidenced by their tax rate. She welcomes these types of small things to bring people into the town.

David Bates said he apologized as he feels many people weren't aware of this amendment. He made the mistake of not reaching out to someone with expertise to help with his understanding about it and instead was angry online and starting sharing with others. He is opposed to the amendment because the community has a strong stake in things that bring people to town and spend money. It is a desirable atmosphere to raise a family. There are some who believe their peaceful living area will be disturbed due to business. Some people are more sensitive to noise than others. The more opportunity that is given for opposition by neighbors will result in plans and ideas for businesses to be shot down. The neighbors who don't have a problem with things don't show up to meetings. So their support isn't heard.

Rebecca Courser agrees with Alice Chamberlain that the amendment is too broad. If you are a farm and have an opportunity to have the public come to your farm for a workshop or a potluck dinner outside eating local food, do they need a special exception for every event? Sometimes things come up spontaneously. Chair Frost said special exceptions are for a type of use, not a special event. The ZBA might ask how many times a year, about, would these activities happen.

Rebecca said she agrees with Sherry Gould and that they need this kind of tourism to make ends meet. This is another hurdle that farmers will have to struggle with. She is against the amendment.

Aarika Reynolds said she is an abutter of Pumpkin Blossom Farm. She supports the amendment but think it needs more clarification in terms of the requirements of being grandfathered in. Existing farms and businesses have every right to continue practicing their business. She supports the lavender fields at Pumpkin Blossom Farm. She thinks Warner is a great town and moved there to raise her son who is in the second grade. She wasn't notified that when she lives on a dead end, dirt road, that the driveway that was put in above hers would increase her traffic flow by 500%. There used to be a hay field that is now a parking lot and people can see into her house and what she is doing outside in the yard. She moved there to have the space and the quiet. There need to be some regulations. Six years ago when the special exception wasn't given for an event center, there was vested interest in the previous owner who built Charlie Mac's and they were allowed to use the serving room in their house. She found it unreasonable that they were allowed to plant a bunch of lavender and then do whatever they want which impacts her own day to day life. When it impacts the people around you and it is new, they should be required to go through this process.

Daniel Swiggerd lives on School Street. He said that although this conversation arises from one scenario, it effects all of their farmers who are loved and who work harder than anyone in the town. He thinks it is important to remember that a lot of the farmers are too humble to say that their job is a 24/7 job. To add another responsibility to their plate to make a living doesn't represent the community he is part of. He opposes the amendment and doesn't think it should go to town meeting. With respect to Pumpkin Blossom Farm, Daniel said his family has made sacrifices with the understanding that the traffic they see going by, it is contributing to their community.

Robert Bower owns the Kearsarge Corn(?) Farm and said he is opposed to the amendment. They should recognize how crucial farming and agro-tourism is to the town and they need to

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promote and enhance it. They need to encourage local controlled businesses as they bring money from out of town into town. He thinks it might be in the interest of the Town of Warner to develop an agriculture commission as an advisory board to help deal with these types of issues and clarify the discussion with those involved. Social media threads are not a healthy way to share information.

Sam Bower agreed with Robert Bower with the suggestion of having an agriculture commission. The Master Plan for the town has a lot to do with agriculture and having this kind of commission would be helpful with making decisions in this regard. He is opposed to the amendment

Shawn and Suzanne Bohman said they are opposed to the amendment. They have to generate business in Warner and people struggle every day. Suzanne said that the Pumpkin Blossom Farm and Blue Moon Farm have helped her to create her own business and supports what they are doing. She added that these farms support other small businesses in the area.

Mark Ivoni said he is on the Economic Development Community in the town. They are trying to foster economic development in town and this puts an unnecessary roadblock in front of farms to expand their operations. This issue is centered around Pumpkin Blossom Farm, he believes. The committee wants the kind of activity that these farms are doing to happen because it brings business to town. Mark said that personally, he is opposed to this amendment. It sets up a two-tier system; those who got in early are OK. New people who come to town, which they want, are going to have to go in front of the ZBA and he doesn't think it's fair. Personally he is afraid to go in front of the ZBA.

James Gaffney said he views this a lot like the sign ordinance. It regulates normal and customary things that shouldn't be regulated in the first place. There would probably be more support if they wrote an amendment that sought to provide some kind of control for the "problematic use" cases. The overwhelming majority of agriculture, of which agro-tourism is a subset, is already permitted. If they do nothing, there is no downside to it. Passing the proposed amendment doesn't protect agro-tourism which was the entire point of what the legislature did. He doesn't see a lot of benefit to the amendment.

Nathan Hanwell said he was part of the Facebook conversation about this and is trying to educate himself. The thought that strikes him is that as written, this would reduce a lot of flexibility for existing farms. He had once thought that a special exception would protect the agricultural use. But now he feels that it is an added challenge. He feels it is too broad of an idea and too much of a burden. Is it possible to come up with an amendment that would be more specific? Or, what are the recourses that a neighbor has if things get out of hand but the farm isn't violating anything. How can this be addressed?

Chair Frost said there are ways of tailoring the local permitting process to carve out certain lower-impact uses and having a special exception apply only to a higher impact. As it stands, an aggrieved neighbor's recourse is by lawsuit for infringement of peaceful enjoyment of their own property. They can also seek to have the town enforce the zoning ordinance, which is up to the Selectmen to decide how to proceed.

Wendy Hanwell said she agrees with the opposition. She has yet to see what the benefit would be to the town or the community or to the farms. The amendment seems to be broad. She's not sure what the problem is that they are trying to solve.

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Rachel deThomas said the ZBA meets once a month and they ask for the farms to plan that far ahead? Chair Frost said that the farmers need to consider a use, not an event, so the planning isn't for each event.

Rebecca Courser asked for clarity about grandfathered uses. Anything new would require a special exception? Chair Frost said yes. She wanted to make sure they are all clear by what this means. Will farms need to take inventory of what they are doing currently to make sure they aren't doing anything new? Chair Frost said this is a good point and this may result in some litigation. There are no bright lines here.

Bret _____ said as it is written, the amendment is too broad. He thinks it would sideline Warner as a food entrepreneur in the state. Food security and sovereignty is big now and the town could miss out on this kind of development in town. NH is not suited to single production large farms due to geography and conditions. Farms depend on a diverse revenue stream and potentially removing this possibility would limit the number of new farms that could take hold in town. He thinks an agriculture commission would be a good thing to have and he is against this amendment.

Sherry Gould said the nature of farm life is that things come up and it is hard to plan ahead of what you want to do. It is a different kind of business. She would like to serve on an agriculture commission.

Annie Kennedy said this issue came to her attention because of Facebook and others contacting her directly. She is in the environmental and agricultural committee with the state. She consulted with others on the committee including the AG commissioner for NH. They noted that when this verbiage was drawn up as an addition to the RSA they were trying to protect farms. They were able to easily find a way to bring in extra income, to supplement what the farm already does. When there is a municipality issue, that's when the town can step in. But it shouldn't be done to go against agro-tourism. They need to be careful because their decision will effect NH and New England.

Kileen McGowan commented that she stumbled across this conversation on Facebook. She is thankful that she could see so many sides of an issue. It is easy to personalize issues. She thinks that farmers should do what they can to bring in business and bring people to town. She is surrounded by small farms, which she supports. She would deal with the traffic if she had to.

Chair Frost noted the numerous letters that came in regarding this amendment. He asked that the Town's website have these letters available so the public can read them. Janice Loz said she would see that this is done.

Chair Frost closed the public hearing to continue discussion with the board.

Chair Frost asked the board to comment.

Andy Bodnarik asked to amend the amendment. There is no definition of agro-tourism in their current ordinance. Also, people need to look at the current use table. A special exception is needed for R1, variance needed in B1, special exception in C1, and variance needed in Intervale. He would suggest people read the use table first and understand why they started this process in the first place; they had no definition of agro-tourism.

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A section about events in the use table (page 40) mentions amusement/recreation/function services indoors and outdoors. There is an opportunity to amend the proposal to use the same classifications used under agriculture now. He would mark up the table to illustrate this if people were on board with this idea. Chair Frost said that they have a limited timeline to do this and review it. They do deal with agriculture in the ordinance. Agro-tourism is part of agriculture. They really don't need a definition of agro-tourism unless they are carving it out and separating it from agriculture.

James Gaffney said there isn't enough time to do this in the amount of time that is left. It is generally accepted that as written, it would cause more problems than it solves. Perhaps the right thing to do is take another bite of the apple over 2021 and if they come up with something they feel is suitable then they can start having hearings about it. He can't support it as written.

Romeo Dubreuil asked if agro-tourism was a commercial application? If not, why are they coming to the planning board? Chair Frost said by definition it is commercial; it is the marketing of agriculture to the public. Romeo said he was affected by an application where a farm down the road had a giant mud bog, of which he was not aware. He isn't sure if this is considered agro-tourism, but he hadn't been aware of it and it was extremely invasive. To have something in place or a noise ordinance or something for a review is important to protect the neighbors. He thinks this should be tabled for a bit and looked at harder. He acknowledged that this was a difficult application.

Ben Inman said this is a tricky issue. It is a broad definition and will be tough. He has a problem with a special exception requirement and feels it is a burden on the farmers. Ben is against the amendment.

Don Hall feels that they have muddied the waters. As a board they had good intentions but he said he is opposed to the amendment.

Clyde Carson said when he was at the state house this legislation came before him and he voted for it. The local farms are part of the fabric and help define who they are and should be supported. He heard a suggestion for an agricultural commission and thinks this could happen and they could advise the Planning and Select boards. He would vote to table this amendment and form an agricultural commission to advise them on future actions.

Andy Bodnarik said they started the process because of the confusion in the current ordinance. The deeper they got into it the more difficult it became. They are still left with the same issues whether or not they move forward. He said that the Use Table is not defined well and this has been a complaint of his since his days on the Zoning Board.

Chair Frost agreed with Andy's opinion on the Use Table.

James Gaffney moved to withdraw the amendment. The motion was seconded by Don Hall.

A roll call vote was taken:

Don Hall: Yes, Ben Inman: Yes, Romeo Dubreuil: Yes, James Gaffney: Yes, Andy Bodnarik: Yes, Clyde Carson: Yes, Ben Frost: Yes.

The motion passed unanimously.

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A five-minute recess was taken by the group. The meeting resumed at 9:10pm.

The remaining proposed zoning amendments would be reviewed in order, starting with “A.”

A. Workforce Housing

Chair Frost explained that there was a workforce housing law adopted in 2008 that went into effect in 2010. The delay was to give municipalities time to include amendments to their zoning ordinances to comply. There has to be a reasonable and realistic opportunity to purchase or rent workforce housing in the town. This kind of housing has to be allowed in at least 51% of the town in towns where zoning is used (most towns). Municipalities have to allow multi-family rental housing somewhere in the town. The town’s ordinance section was drafted with this in mind, but they missed some critical points. The amendment is an effort to address those errors and bring the town’s zoning ordinance, with regards to workforce housing, into compliance, to make more sense, and to make it easier for a developer to understand.

Chair Frost said a letter sent to the board by Paul and Patricia Ganow(?) included a statement that he (the chair) had a conflict of interest because he works for NH Housing. Chair Frost said he found this puzzling and concerning. He isn’t getting anything from this discussion or decision. He is firmly convinced that he doesn’t have a conflict of interest and has been open about who his employer is. He is a housing advocate. He is frequently asked by municipalities for advice on this matter and thinks that having someone of his profession to weigh in on the crafting of a zoning ordinance is a benefit.

Chair Frost shared his screen to show how he had marked up the current ordinance to reorganize, fix type-os, and clarify. A copy of the amendment is available by contacting the town.

Once Chair Frost was done pointing out his changes, he opened the public hearing portion of the meeting.

Alice Chamberlain asked if they don’t add workforce multi-family housing, the ordinance will not legally sufficient? Chair Frost answered in the affirmative. Alice asked if this was in conflict in any way with amendment E that was coming up later that evening. Chair Frost said he didn’t believe there was a conflict.

Bret ____ asked if the overlay map would need to change with the addition of the business district and Intervale which are to be added to areas the housing could go. Chair Frost said it would.

Annie Kennedy asked if it should be as special exception in the R2 district to limit over-development and increase workforce housing. Chair Frost said that makes sense, but in that district, the development is limited to four units per structure. This is simply saying there can also be workforce housing in these four unit structures.

Alice Chamberlain said this is a very complex subject. Would the most significant change be that there is multi-family housing in the two new zones? Chair Frost agreed, but said the significant difference is that it is commercial scale. The boards have the ability to determine the appropriate size.

David Bates thinks the amendment is great and thanked Chair Frost for his work on it.

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Andy Bodnarik wondered why they can't just limit the C1 and Intervale to a special exception rather than a permitted use. His concern is the limited land available for development at Exit 7 and 9. If they are talking about a larger than four-unit sized building, he would rather amend the Use Table to reflect his suggestion.

Don Hall asked if they build the workforce housing units, what happens if there is a legal procedure such as a foreclosure and they can't be completed. Is the town of Warner going to be a real estate agent? Chair Frost said no; they aren't going to own the housing.

Clyde Carson supported the amendment. In NH it is well-documented that there is a lack of affordable housing for their workers. Businesses won't come to town if they can't attract workers and workers need a place to live.

Nathan _____ asked if there were any existing workforce housing projects in Warner. Chair Frost said nothing has been built as workforce housing, but there may be some properties that meet the workforce housing guidelines. There hasn't been a lot of development, at all, in Warner in many years.

Andy Bodnarik said he has a chart that lists the number of multi-family units in town and compares it with other towns. This kind of housing is available in town.

Sherry Gould asked for the situation in R3 for larger units. Chair Frost said four units per structure by special exception.

James Gaffney wanted to change some of the permitted uses to special exception specifically in R2. His reasons aligned with Andy Bodnarik's remarks. Multiple four-unit homes going into a neighborhood will change the neighborhood. Special Exception would give the Planning Board a chance to review it more appropriately. Chair Frost said that in the ordinance as it stands, a four-unit structure in the R2 is a permitted use.

Sherry Gould supports this amendment. In 1981 they started the first Habitat for Humanity project in Warner which was the first above the Mason-Dixon Line. The precedent was set in their town.

Harry Seidel said he supported the amendment. He wondered if there were other towns in the district that have workforce housing. Andy Bodnarik said he has circulated a report to the board which addresses some of this. Sutton, Bradford, and Webster all have some percentage but Warner has more than the other towns surrounding, including Hopkinton.

Mike Davis asked how the passing of this amendment would impact their tax bill; his has recently increased by \$250/month. Chair Frost said multi-family housing outperforms most other kinds of land use per developed acre. For this to affect their tax bills, there would need to be an extremely high amount of development to happen, which is unlikely.

David Bates shared a study done by a UNH economics professor where it was found that there are actually a small number of children per unit in apartment housing. Most people with kids will find more suitable housing. They are an extremely low tax burden to the school.

Don said he is opposed to workforce housing in the commercial zone.

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Clyde Carson said the commercial zone and Intervale are the logical areas for doing multi-family housing as it wouldn't impact the districts. It would be a tax benefit for the town and workers could walk to work.

Chair Frost acknowledged the letters that came in about this amendment.

Andy Bodnarik referenced a report by the state which shows the six-year increase in housing state-wide. There are a lot of units located in the town that people may not know about. There are apartments near and behind the bank, in the downtown area, more on Kearsarge Mountain Road, and he thinks this is a solution in search of a problem in the town of Warner. He feels Warner has done more than their fair share for providing this kind of housing. He proposes changing the use table to reflect the use by special exception in the two areas being considered.

Romeo Dubreuil said he has researched this issue and doesn't know where, regionally, Warner is connected to other towns and how they are filling their requirement for workforce housing in regards to the regional impact. Chair Frost said the statute reflects earlier case law and goes back to 1991. Every community has to provide its fair share of a region's need for workforce housing. The statute doesn't define what "region" or "fair share" is so it is left as a bit of a puzzle, intentionally. It provided flexibility.

Chair Frost said he isn't sure what stance other communities have taken. Some may have had admirable efforts, some have come up with some guidelines that aren't actually workable, and some have the attitude of "sue us." They are all over the place. With regards to the high housing development that Andy referenced earlier, while it is up, it isn't up to where it used to be since the great recession.

Alice Chamberlain asked if Warner could put an upper limit on units that could be built in the commercial area and the Intervale and still meet the requirements. She worried about an unlimited amount of development. Chair Frost said they could possibly set a limit but he wasn't sure what the right number would be. He didn't think this was a valid way of doing it and was legally questionable.

Nancy Ladd said this is a topic of interest to her. She wondered how many of the properties in Warner which fit the workforce housing guidelines are actually available for rent. She knows of many people who have been looking for affordable housing and cannot find any in town. She also knows of millennials who are out on their own and can't find an affordable home to purchase in the state. The number of new permits and new construction is high but this is only one piece of the picture. How many new people are trying to find these places to live? The demographics of who is looking for housing is important to consider; who is looking for housing? Nancy added that while it is good to put the housing near where the work is, they don't have work here. There is no public transportation from Warner to places like Concord. The public transportation structure needs to be tied into this idea. It's not useful to have affordable housing if you can't get to your workplace.

Mike Davis asked if they know where their occupancies/vacancies are. Chair Frost said they don't really know. They can look at the county for 2020 but it isn't town by town. The statewide vacancy rate for 2020 was 1.8%.

The public hearing was closed.

Chair Frost asked for motions on the amendments.

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It was moved by James Gaffney to change the use table line 6 to special exception for R2 commercial and Intervale district. This was seconded by Andy Bodnarik.

Andy didn't think that requiring a special exception would be out of order as they already require it in C1.

A roll call vote was made:

Don Hall: Yes, Ben Inman: Yes, Romeo: Yes, James Gaffney: Yes, Andy Bodnarik: Yes, Clyde Carson: No, Ben Frost: Yes.

The motion passed 6:1.

This amendment will go to public hearing on February 2, 2021.

B. Standards for Accessory Apartments.

Chair Frost said that the proposal is to require (#10) parking for accessory dwelling units and not allow any additional curb cuts or driveways. It would also have the accessory dwelling look like the main home (#11), and (#12) the property would revert to single-family use if the owner no longer uses the property as their principal place of residence.

Chair Frost opened the hearing up to public comment.

Nathan ___ asked how one would revert an accessory dwelling back to a single dwelling. Would they have to tear out a second kitchen? Or is it just that they couldn't rent it out to two separate families? Chair Frost said that was a good question. It might be that they'd have to tear out a kitchen so it no longer meets the statutory definition of a dwelling. He wasn't sure how to interpret it.

Barb Marty said these amendments help to not change the character of the neighborhood. Other towns have similar provisions regarding the aesthetics of the units. She asked if the only way people need to go through getting permission for an accessory dwelling is through the building inspector. Chair Frost answered in the affirmative.

Jessica Essalyn asked how this would apply to someone who might have a carriage house attached to the house. It is a separate unit. Chair Frost said if it already exists, the conversion of that space to an accessory apartment probably would be OK. Arguably it is possibly grandfathered. Or it might be illegal, he doesn't know. Chair Frost said it sounded that what they were doing currently with their own home could stay as is and was a grandfathered use. The Essalyn family was opposed to this amendment.

David Bates was strongly opposed to this amendment. Families should be able to make whatever arrangements they need. The accessory dwelling units are the best thing for families to have. It can give rental income to a homeowner, it can provide housing for an older child who needs a place to live. A middle-aged person can provide housing for an aging parent instead of sending them to assisted living. An older person can move into the smaller apartment and rent out the home to be able to stay in their home instead of going to a nursing home. David said that in a lot of R3 homes, the houses can't really be seen so what does it matter what they look like? Also, duplexes are allowed. These won't change the character of the neighborhood.

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Sherry Gould said they have an in-law apartment. The flexibility that David explained ring true. Having this apartment helps to have a place to house a farm hand, family, or others who need help. If the apartment isn't in use, she doesn't want to be told that she has to rip the kitchen out.

Nancy Ladd said the parking issue she doesn't have an issue with, although a single family home with multiple family cars could pose as similar problem. Whose to say what the aesthetic of an area is? Designs change over time. She doesn't think this part is necessary. She agrees with the point of view that it doesn't matter to anyone around if people aren't related to each other. She doesn't know if this is generated by the state's definition of an accessory dwelling.

James Gaffney said the only thing discussed is amendments; no one is suggesting they do away with accessory dwelling units. If someone creates an accessory apartment in an existing building, it isn't realistic to change the entire appearance of the building. He feels this is unreasonable. The reversion piece is a bit too far.

Patrick McGowan asked the Planning Board to consider the portion of the amendment with making the apartment match with the rest of the home. They are concerned with the restrictions going forward as they are creating an apartment for an elderly parent with mobility issues. He remarked that there is such diversity in the housing designs throughout Warner that it doesn't really make sense especially due to the fact that homes in the R3 district aren't seen by many people. He feels that this seems very hard to enforce. The appearance requirements are subjective.

Rebecca Courser said she agrees with Patrick especially considering door placement and being thoughtful of mobility issues. She thinks "appropriate" is a judgement call. She would like to remove this from the amendment.

Don Hall said that the fire department needs to be involved in this discussion as well.

Chair Frost closed the public hearing.

It was moved by James Gaffney to withdraw this amendment. It was seconded by Ben Inman.

Roll call vote was taken:

Don Hall: Yes, Ben Inman: Yes, Romeo Dubreuil: Yes, James Gaffney: Yes, Andy Bodnarik: Yes, Clyde Carson: Yes, Ben Frost: Yes.

The motion was approved unanimously.

D. Petition Zoning Amendment: Detached Accessory Dwelling Units - David Bates

Chair Frost opened the public hearing and asked David to explain what the proposal entails.

David said he wanted to address the workforce housing issues. Everyone at the state level is concerned with this. The governor lists it as second only to Covid to focus on this year. The demographics of NH have changed and we are now one of the oldest states in the nation. Rents have gone up 25% in Merrimac county. The vacancy rate is 0% in Warner. There is a problem in the town and he knows of many parents who can't find a place to live. He feels that aging in place is critical as one gets older. Because the Planning Board members don't have connections with the people who are looking for housing and are finding none and having to

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move out of the town, they shrug off the problem like it isn't that important. But it is very important. He would like to propose a solution. David would keep restrictions on size, but wants to add "garden cottages" that can be built within 75' of the main house. He doesn't believe that there will be a huge influx of these in town, but this will help add housing to town and not change the character.

David welcomed comments from others.

Chair Frost said these petition amendments will be first on February 2nd to allow for more public comment. The meeting was running long and several of David's supporters had dropped off of the meeting.

Alice Chamberlain asked if this solves the tiny house problem for Warner. Chair Frost didn't think so; Joe Mendola's idea is based upon his vision for tiny houses on wheels. That's not what is being proposed here. These are detached houses on permanent foundations. Alice asked if manufactured housing would be allowed. Nathan said that per the current ordinance, they could not be manufactured homes.

Nancy Ladd asked if there were any state regulations about sharing septic systems. Chair Frost said the statutes say that they can't require the use of separate septic systems but can require a demonstration by the property owner that the current system is adequate to handle the additional load by the new dwelling.

Nancy said she is in favor of allowing separate accessory dwellings but does this address an existing building or one that is built new? If it is already in existence a site plan review may need to be done to make sure about the septic. Chair Frost said this is a building permit issue.

Romeo Dubreuil said while he is in favor of this separate application, he sees some problems with the 75' distance. The well radius and the septic distances are 75'. Two septic systems and two wells within that space is almost impossible. Chair Frost said that using the same well and septic system is allowed.

Mike thinks this is a step in the right direction. Perhaps the proximity needs to be addressed at a later date. Chair Frost agrees with this comment.

Andy Bodnarik said they need a definition of detached accessory building in the ordinance. He thinks that other areas in the ordinance will need to be amended to accommodate this amendment. He had some issues with the wording.

David Bates didn't think it was that complicated. He appreciated Romeo's comments but didn't intend for separate wells or septic tanks to be used. This amendment will open up the opportunity for some people to be able to do something like this. It will not work for everyone. Additionally, he came to the Planning Board twice asking input for this amendment and only now is he getting substantive feedback. As a citizen he finds this extremely irritating.

James Gaffney said it is an ugly process and everyone on the Planning Board is also juggling other things. He supports the 75' distance that Mr. Bates included. One of the things he wonders about are that people aren't taking advantage of the accessory apartment provision in accessory buildings. He wasn't sure people would spend more money on an additional structure, but that is, of course, up to them.

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Janice Loz said she doesn't have a problem with his but thinks it may be confusing to people. Normally an apartment isn't perceived as a stand-alone unit. If it passed, people may get upset because they didn't understand that a stand-alone house is the same as an apartment. She worries that this could open a can of worms.

Chair Frost asked David Bates if he would like his two amendments on the schedule for the public hearing on February 21, 2021. David said he would.

The public hearing portion of the meeting was closed.

Chair Frost asked if there was any further discussion from the board.

James Gaffney suggested scheduling these two amendments for the February 1st hearing so more citizens could weigh in and add input. It was currently after 11pm.

A hand vote was taken. All the members of the board agreed to move this to the hearing on February 1, 2021.

Andy Bodnarik asked that the members of the Planning Board get copies of the letters sent to the town with regard to these petitioned amendments.

Janice Loz said she would do this.

E. Petitioned Zoning Amendment. Allow Multi-Family Construction in the Commercial District – David Bates

David said that Warner Power will be moving out and the building will be vacant. He believes that putting apartments in this location would support the downtown businesses. He said the same kind of apartment conversion at Exit 9 is included in this amendment. An apartment building doesn't have a huge footprint and doesn't have to take up land that may one day be purchased for other development. His goal is to give developers some creative flexibility to fill in that area. Aside from a state liquor store, nothing is going in. This will help with the workforce housing solution and these dwellings can be added to town water. David said that this solution will not change the character of the town. He feels this is a real opportunity for them and they could add 50-100 people and it won't be as much of an impact as in other places.

Chair Frost asked for short, clarifying questions from the public.

Alice Chamberlain asked if there would be a limit on the number of units if this passes. Chair Frost said he would have to think about how the two amendments interact. This could be explored further on February 1st.

Chair Frost said the hearing would be carried over until February 1st which would be the final hearing. There will also be other business to handle at that evening's meeting.

Chair Frost adjourned the meeting at 11:20pm.

Respectfully submitted,

Kristy Heath, Recording Secretary

Town of Warner