



TOWN OF WARNER

P.O. Box 59, 5 East Main Street
Warner, New Hampshire 03278-0059
Land Use Office: (603) 456-2298 ex. 7

**Planning Board Meeting
Town Hall- Lower Meeting Room
Monday January 3, 2022
7:00 PM**

I. OPEN MEETING

ROLL CALL:

Board Member	Present	Absent
Ben Frost (Chairman)	✓	
Don Hall (Vice Chairman)	✓	
Andy Bodnarik	✓	
Clyde Carson (Selectmen)	✓	
Romeo Dubreuil		✓
James Gaffney	✓	
Ben Inman		✓

Also present: Janice Loz (Land Use Secretary)

II. APPROVAL OF MINUTES: None

III. NEW BUSINESS

A. PUBLIC HEARINGS: Zoning Amendment Proposals

The following amendments will be considered for possible voter adoption at the Annual Town Meeting in March:

Amendment A: Detached Accessory Dwellings: Amend Zoning Ordinance Article XIV-B(6) to eliminate the requirement that detached accessory dwelling units must be located within 75 feet of the primary dwelling.

Amendment B: BY PETITION. Tiny Houses: In the Zoning Ordinance, eliminate the requirement that the size of accessory apartments must be at least 300 square feet (Zoning Ordinance Article XIV-B(3)); In the Building Code, eliminate the requirement that every single-

family dwelling must have at least 500 square feet of living area on one floor (Building Code Article II(B)(4)).

Amendment C: BY PETITION. Workforce Housing: Amend Table 1 – Use Regulations to allow multi-family workforce housing as a permitted use in the R-2, C-1, and INT Districts, where such uses currently require a Special Exception.

Amendment D: BY PETITION. Multi-family Permitted Use R-3 / OC-1: Amend Table 1: Use Regulations to allow construction of multi-family dwellings of 2-4 units and conversion of single-family dwellings to multi-family dwellings of 2-4 units in the R-3 and OC-1 Districts; and amend the preamble to Article VII Low Density Residential District R-3 to replace “the individual family’s” with “residential”.

Discussion:

Chairman Frost said that the first petition on the list can be amended by the Planning Board. The three which are requested by petition cannot be changed, but will go on the ballot as written. That is the law. Written communications have come into the town regarding the various amendments. He suggested opening the hearing on all four amendments and when someone wishes to speak, they need to specify which amendment(s) they are speaking on (using A, B, C, or D).

James felt the discussion regarding Amendment A from the last meeting was important to that evening’s discussion. It was noted that the minutes for that meeting were not available, as they were only received that day. Chairman Frost said that a second hearing could be held three weeks from that evening. There was no movement on this suggestion.

A question from Dawn Quirk from the audience asked, with regards to process and how Amendment B had a discrepancy in square footage requirements, Chairman Frost said he believed that historically, the building code was set at 500’, and later on when accessory dwellings were put into the code, they chose 300’ without realizing this would create the discrepancy.

Chairman Frost said that the letters that came in will not be read into the record, but will be available for public viewing the following day. James wondered if the emails that had come in were confirmed as coming from Warner residents. Chairman Frost said to his knowledge, the letters he read were names he recognized as being from town. This was confirmed by another board member. Chairman Frost said that this would be reviewed again to be certain.

Beverly Howe asked if Chairman Frost would note whether or not the letters that came in were for or against certain amendments. James said he had copies of the letters that he could let Beverly review. It was noted that two letters were missing from his pile.

Beverly wondered why the rules are being challenged since they were working; they were a small town, not a city. She is not against change, but thinks that this kind of change is meant for larger cities but not in a town like Warner.

(I started taking minutes for Dawn and David....and then remembered your email said they were sending their script in. So the two next paragraphs can be deleted if you wish!)

UNAPPROVED Minutes – January 3, 2022

[Script Here] Dawn Quirk is from Pumpkin Hill Road and has concerns against all of the amendments. She thinks the town needs to do a serious analysis of these types of changes and what the impacts will be. For instance, the median home prices are likely to go up with more development. Also, do they have enough police and fire capacity, is the school district able to accommodate more children? People are coming here because of the pandemic; how many homes are already being built right now? She has asked the building inspector and the town administrator to find out some of this information and has not heard back. She doesn't feel that this growth is organic but is being forced. She added that the transfer station is going to get more crowded, possibly demanding a curbside pickup of trash, and the ecosystem may suffer due to more development and use of pesticides. To help insure that these decisions are not made in haste, she suggested that the board have special concern of the short and long range impact of these suggested changes. She feels that there is a movement of housing advocates that is negatively changing their zoning.

[Script Here] David Bates lives at 32 West Main Street. He has lived in Warner for 20 years in R1, R2 and R3 zones and is on several committees in town. He has discussed these proposals twice prior with the board. He feels there is missing "middle housing" in town. He gave some historical information of population in NH from 1850 moving forward. From 1960-1990 NH population almost doubled and single family homes were constructed at a fast pace. After 2000, the population growth has declined. The housing has been built by and for a generation that differs from those who are looking to move into the area. 5% rental availability is standard. There are zero vacancies in Warner at this point in time. Working to preserve open space and still add workforce housing can be done without impacting the character of the town. He had asked that housing be considered near Exit 9 and accessory dwellings be built further than 75' from the main home.

Steven Blevins said he opposes all four amendments. He would hate to see trailer parks all along the mountain. He believes the zoning for limited residential is there and thinks it is there to protect the land.

Barbara Marty said Amendment A: she agrees with James that if people put a new dwelling far from their main dwelling and then later decide to subdivide, it is going to cause a non-conforming lot and the hardships that go with them. This question came up last year and she is still opposed to this amendment.

With regards to Amendment B: the hurdle to get a special exception is low. These changes of use can be significant. That is why the hearing is necessary to give the public a chance to give input.

With regards to Amendment D: in the five years she has been involved in zoning, no one has come to ask to convert or build a multi-family unit. This isn't an issue, so she thinks they should keep in the special exception criteria; it isn't a big hurdle and it's the way they do government; it works.

Ray Martin, representing the water district, said that they (the precinct) provide water from the Intervale District to Main Street. He has read in old minutes that there was concern that the precinct wouldn't be able to supply water or sewer to more residents. He said they would actually have enough water and sewer service if the use of a building(s) changed. They have experienced a turnover of houses in the last 18 months from 1-2 people to 4-6 people. They have had no problems supplying water and processing the sewer. The sewer plant was built to

UNAPPROVED Minutes – January 3, 2022

handle 100,000 gallons and they are currently at 46,000 gallons. He is not for or against any of the amendments.

Bob Bower wanted to point out that the OC zone has a purpose statement that is for limited residential. It also has two uses that are prohibited: agriculture and farms. Workforce housing is already allowed, as well as multi-family. The result of this would be exploitation because those are the only permitted uses. (Please make sure I have this right. He was hard to hear)

Charlie Albano said he has lived in Warner since 1974. Over the years he has seen young people have limited access to jobs in town as well as housing. Someone needs to make a lot of money to afford to buy a house in Warner. There is also an old population which brings up another housing issue. There are other issues to jobs and workforce, such as affordable care, which they don't have. There's also no availability for family or friends to stay in town, other than in someone's house. He has heard a lot of things that evening about protecting the environment, which is important to him as well. The young people in town have had to move out of town because they can't afford to live there except with their parents. It would seem appropriate to him that if they recognize as a community that there are issues on affordable housing access and housing for children and for the elderly, they need to come together as a community and address these issues in a logical, pragmatic way. Maybe they pull in an outside expert on these ongoing issues, to work with the Planning Board, Select Board, and representatives from each of the districts, to create a committee that represents the vast array of town concerns. If there are problems, recommendations can be made.

Danielle Young has a farm on Kearsarge Mountain Road and opposes all four amendments. The complaints and problems that come with multi-family dwellings are not appropriate for the town.

Alice Chamberlin was present, and had submitted a letter, so was asked to speak.

Alice was against removing the 75' tether of the accessory dwelling (Amendment A) as she felt it would impact the land negatively. It would also create non-conforming lots in the future. She added that if they combine the amendments, there would be a significant impact on the town in the long term. They are looking at amendments that do away with zoning board oversight in a large part of town. The Zoning Board plays a vital role and requiring a special exception is a minor hurdle and will help the town and the citizens to be able to weigh in. She felt Charlie's suggestion was a good one. They do need to provide the "missing middle" housing but also want to keep their rural nature. She hoped the community could come together around these issues.

Debra Esolen (vis Zoom) said she and her family are relative newcomers to the town. They moved there four years ago and her husband teaches at the college. They searched for a rural location that would be friendly to them and their autistic son, who lives in one of those "accessory dwellings." They have lived most of their lives in an urban setting. Warner's guidelines seem to provide opportunities for housing and she thinks they are good. They enjoy their safe environment in Warner that provides for walkability and people knowing each other. If they are interested in diversity, they also need a place for the rural towns. Those kinds of places need to be fostered and made available for those who seek them and want them and want them preserved. She would not like to see tiny houses and the creation of nonconforming lots. A comment was made earlier that the zoning laws were well-thought out and felt they should be preserved. Debra was not in favor of any of the changes being proposed.

UNAPPROVED Minutes – January 3, 2022

Chairman Frost said a letter came from Aarika Reynolds (Budget Committee member) who is opposed to the petitioned amendments.

A letter came from Michael Amaral and Laurie Terwilliger who are in opposition of all four amendments.

A letter came from Beverly Heaton who is opposed to the petitioned amendments.

A letter came from David and Pamela Carl who are opposed to eliminating ZBA oversight and all four amendments.

David Minton sent a letter and is opposed to all four amendments.

Faith Minton was present. She said she signed the petition but has re-thought it. She feels that this is something they need to look at as a community. She doesn't want to lose ZBA oversight. Housing is a real need throughout the state.

Patricia Goneau sent a letter in and is in opposition to the petitioned amendments. She thought that perhaps there was a conflict of interest for Chairman Frost as he works for the NH Housing Authority. Chairman Frost said this came up last year as well. While he understands what they are saying, he does not feel it is a conflict. It is similar to someone on the board working for the Society for the Protection of NH Forests who votes on a conservation project. He is a volunteer and is not paid to work for the Town.

Chairman Frost said a letter came in from Jennifer Courser. She is in support of amendments B, C and D.

A letter came in from Joe Mendola. He suggested another amendment, but it is too late to do that at this point in time. The letter was lengthy and Chairman Frost said he would let those who read the letter understand Joe's point of view.

A letter came in from Karen Coyne in opposition to all four amendments.

Emily Carmen sent in a letter and is in support of all the petitioned amendments.

Martin Vincent is in opposition to the three petitions.

Mary Mead was in opposition to the three petitions.

Trish and Nick Mitchell are in opposition to all of the amendments.

Chairman Frost said the letters will be made available on the town's website the following day.

James Gaffney said the more people try to tweak things, the more unstable things become. They all understand there is a housing problem in the town. It is a function of property costs and building materials and taxes. Unless people are willing to address the primary drivers behind why people aren't building housing opportunities, nothing will change.

Eric King said there seemed to be an urgency for tiny houses and workforce housing. What is the draw supposed to be for the workforce? Are they anticipating a big number of jobs for people to go to in Warner? And why was someone's suggested amendment considered "too late"? Chairman Frost explained that the request for another amendment that was made is

UNAPPROVED Minutes – January 3, 2022

considered “late” because they have to follow statutory timelines for zoning amendments. It is late for this year’s ballot. The Planning Board is required by law to hold public hearings on zoning changes, including petitioned ones.

Chairman Frost went on to explain that the article being suggested with regards to the 75’ tether was brought to the board as a petition amendment last year. It did not pass, and so after some lengthy discussion, it was decided to present it as an amendment from the Planning Board.

Eric King said he hears people are opposed to doing away with the special exception. He agrees and feels it is necessary.

Beverly Howe wanted to propose to change the number of people needed to sign a petition. It is currently 25; it doesn’t seem to be enough. Chairman Frost said that number is state law. Towns cannot change this.

Alice Chamberlin asked Chairman Frost to clarify the timeline going forward. Chairman Frost said after the meeting is closed, the Planning Board will determine if a subsequent hearing is needed to gather more information. If the answer is no, they need to figure out what they are going to do with the one amendment the Planning Board has proposed (present or withdraw for town meeting), and decide if they will recommend or not recommend the three petition amendments.

Dawn Quirk said with 25 signatures an amendment can be put on the ballot. What if she wanted to come forward to the Selectmen and ask them to fact-check the amendment suggestions. She has worked in this field and has a lot of experience with this; if the town feels it is their duty to solve the housing problem in the country, that should be a separate conversation. She is studying to get her degree in Public Administration and has access to Northeastern University’s library. She has researched this issue and has found that building more housing doesn’t solve a problem, it just increases more need for housing as it draws more people into the community.

Chairman Frost said they are not in the job of fact-checking the statements that people make. They are in the business of judging their statements. They appreciate all the comments that have come forward that night.

Beverly Howe said when she goes to Town Meetings and sees something recommended by the Planning Board, she values that input. What scares her is that a lot of people don’t know what is going on. If they see recommended or not, that’s how their vote will go.

David Bates asked how many people were on the Planning Board. Chairman Frost said there are seven members. They are statutorily allowed seven permanent members and five alternates. They have one alternate currently, and they are on hiatus; two full members were absent that evening. David asked how someone becomes a member of the Planning Board. Chairman Frost said that to be a member one volunteers and submits their interest to the Selectmen when there is an opening. David asked how someone gets to be a member of the Zoning Board. Chairman Frost said it is the same process. David confirmed that people are not elected to the Planning or Zoning Board. Chairman Frost answered in the affirmative and said that in Warner, members are not elected; this is not the case in some other towns but it is how Warner chooses to do it. David asked if there is any training required by members of either board. Chairman Frost asked David if he could stick to the amendments. David said that five volunteers showing up do not represent the views of the town. It is perfectly valid to bring

UNAPPROVED Minutes – January 3, 2022

something to the voters for consideration than what is arbitrarily chosen to bring up by someone on the Planning Board who may have an ax to grind.

Barbara Marty said she was offended by David's comment. Several others agreed. Barbara said that if David wants to volunteer, he should. Chairman Frost asked that this conversation stop; they could continue outside if they wish.

James Dudley asked if there are any idea how many people have come forward to ask for an exception to remove themselves from the 75' tether for an accessory dwelling. Chairman Frost thought it was zero because the requirement has only been in the books for one year. Previously, the section said that the dwelling had to be associated with the main dwelling (like an apartment over the garage).

Alice Chamberlin asked if a garage was proposed 200' from the house with an apartment above, is that allowed? Chairman Frost said he did not believe so. They could do the garage but not the apartment. Alice asked if they un-tether the detached accessory unit, could it just be a house that is built? Chairman Frost said now it can, but it has to be 75'; it used to be that the dwelling could be something else too (barn/garage).

James Gaffney added that there is a dimensional regulation with regards to the accessory dwelling. Andy Bodnarik said that all these dwelling units are defined except for the detached accessory dwellings. He had copies for anyone who wanted one.

James Dudley said he supports amendment A only. He cleared land previously but found he wasn't allowed to build because of the regulation. Now that this opportunity is a possibility, he would like to be able to build a small dwelling for his in-laws who want to move to this area.

It was asked if Mr. Dudley could build a dwelling today if he got a special exception to do so, even though it is beyond 75' away. Chairman Frost said that in order to do so, Mr. Dudley would need to get a variance from the Zoning Board, which is much harder to get than a special exception.

Danielle Young said their mortgage payment is less than a one-bedroom apartment in Manchester of Concord. People can't build new dwellings because of the cost of lumber and because of taxes. They are not rich and have to drive to where they work.

Bob DeLuca (via Zoom) was against all four amendments. The Town isn't seeing the long-term effects. He is concerned with the tax implications with multi-family housing. There is also a potential impact on the schools. People have proposed these things need to do more studies about the long-term possible impacts.

Chairman Frost said they must move forward with the petitions; they have no choice. The vote will be made at Town Meeting. The Planning Board can only choose to recommend or not recommend these petitions.

Chairman Frost thanked everyone for their commitment to the town and for their comments. He closed the public hearing. There would be another public hearing to discuss these amendments.

B. PUBLIC HEARING – Subdivision Application

UNAPPROVED Minutes – January 3, 2022

Applicant: Robert C. Shoemaker, III Living Trust
Agent: J.E. Belanger Land Surveying, PLLC
Address: 15 Morse Lane, Warner, NH 03278
Map/Lot: Map 17, Lot 13
District: R-2
Description: Applicant is proposing to subdivide Map 17, Lot 13 into 2 residential house lots. These proposed lots will have access from Morse Lane only. This subdivision involves land in Warner only and not land located in the town of Sutton.

Jock Belanger, surveyor, was there to represent Mr. Shoemaker. They want to break off a 2.47-acre plot of land. The remaining tract is 4.69 acres but there is additional acreage in Sutton. They will apply for a state subdivision approval. The plans he handed out show a bit of wetland and connect two culverts. It doesn't interrupt any building site on the Map 17, Lot 13-1. It is between 103 and West Road.

Andy Bodnarik asked if driveway permits had been acquired. Jock said they will apply for those at the same time as the building permit.

Chairman Frost said they typically look for a recommendation from the Department of Public Works (Tim Allen). He said that it looked like the site distances for the driveways were OK, but they would like a sign-off by Tim.

Chairman Frost said that the application is complete.

It was moved by James Gaffney and seconded by Andy Bodnarik to consider the subdivision application for Robert C. Shoemaker III Living Trust, complete. The motion was approved unanimously.

Andy asked about why they needed to get a state subdivision approval. Jock said that a property under five acres requires state approval for septic. State DES will review the application and test the lot at a site visit.

Chairman Frost said they could now proceed with the public hearing.

There were no public comments.

Chairman Frost closed the public hearing.

Chairman Frost noted that not all the bounds are labeled "Granite Bound to be Set" and need to be. Jock said he would fix this.

James said his only concern was whether or not they had to make a notification to the Warner River Advisory folks.

Andy asked about the abandoned concord/Claremont railroad bed on the map. It was noted that it is not on the property being discussed. Jock said they should change the wording to "discontinued" instead of "abandoned."

Chairman Frost said to approve the subdivision, they would need a state subdivision approval when it comes in, correct the plan to show granite bounds to be set in a number of locations, something in writing from the DPW about the driveways, and the notification of and input from the Warner River Advisory Committee

James wondered what RSA would apply regarding the proximity to the river and the floodplain. Andy Bodnarik said the abandoned railroad comes in before the river. Chairman Frost said chances are it is within the protected corridor. They need to notify the Warner River Notification Committee and get their recommendation. The next regular meeting would be February 7th. Chairman Frost asked Janice to contact Ken from the Warner River Advisory Committee and ask for their response or recommendation prior to that meeting.

James thought that as soon as the Planning Board hears from Ken if there is an issue, that the Planning Board then contacts Jock to let him know. The hearing would be continued to the February 7, 2022 meeting.

IV. OLD BUSINESS

A. Developments of Regional Impact – Proposed Guidelines for Inclusion in Rules of Procedure

Andy said they had discussed a paragraph that didn't make sense in a prior meeting, but it wasn't to do with the Developments of Regional Impact. It was with the Rules of Procedure.

James asked if at their next meeting they could identify the statutory requirements they were not aware of with regard to regional impact. He would look for the email that Chairman Frost had sent to the Planning Board members regarding some RSAs that they had not captured previously.

B. Zoning Amendments - Discussion

Donald Hall said that in looking at the overall picture, there are a lot of hidden things that may still may have an adverse effect on the growth of the town. He thinks they need to do some work to make sure they get it right. Donald said he was referring to all the amendments, not just the petitioned ones.

Chairman Frost asked if another public hearing should be held. Don said yes. The word will be out the following day about comments that were made. There are a lot of people out there with good ideas and if they want to step up to help, that is welcomed. A lot of people come to the board with an agenda; they don't get what they want and they leave. They need to be cautious and make sure that everyone is there (from the board) and come to some satisfying decisions. It could take a year or more.

James thought they had lost an opportunity that evening by not having the meeting minutes from the last meeting posted for people to digest days or a week in advance of the meeting. They had a lot of good discussion in the last meeting that would have benefited those who came. He understands that it is the holidays and people are busy. This goes for all of the committees and boards in town. The Select Board used to post their unapproved meeting minutes promptly but that hasn't happened in a while. There could be a directive made to the committees and boards, or they could lead by example. Chairman Frost said that it is difficult to

UNAPPROVED Minutes – January 3, 2022

find people to do the minutes. Janice said she doesn't do the minutes; they are done by an outside contractor.

Janice said she has told Diane she would do the minutes for both boards but she would need time freed up. James suggested posting the recording online so people can listen. Janice said that there is a note on the website that indicates people can request a link to the Zoom meeting recording. No one has ever asked for this. James said people are more likely to click on something but not so much reach out and ask for a link. We have to make it easy. Chairman Frost suggested downloading the Zoom recordings and sharing them via a Youtube account. A link can then be made on the website.

The next scheduled public hearing for the Zoning Amendments is January 24th. Further public comment will be received and the Planning Board will then make their recommendations on the three petitions and make its decision on Amendment A.

V. COMMUNICATIONS

None

VI. REPORTS

- A. **Chairman's Report** – Ben Frost said the legislature kicks off that Wednesday. There would be a few topics having to do with planning and zoning. They need to follow up on their rules of procedure having to do with the development of regional impact. Andy said he would look up his notes for the next meeting. It has been some time since they discussed this. They also have a request from the Warner River Advisory Committee about changing the Town's applications to include them. Romeo has been asking for a long time for a definition of "Structure" in an ordinance in regards to setbacks. Is a septic system a structure, for example.

- B. **Board of Selectmen** – Clyde Carson said the KRSD deliberative session is that Saturday.

- C. **Central New Hampshire Regional Planning Commission** – Ben Inman (Absent)

- D. **Economic Development Advisory Committee (EDAC)** – Ben Frost said a seminar on Agro-Tourism is upcoming by the UNH Cooperative Extension. He would notify Janice to pass on the details when he gets them.

VII. PUBLIC COMMENT

VIII. ADJOURN

UNAPPROVED Minutes – January 3, 2022

Without objection, Chairman Frost adjourned the meeting at approximately 9:49 p.m.

**Submitted by:
Kristy Heath, Recording Secretary
Town of Warner**