

UNAPPROVED MINUTES



TOWN OF WARNER

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Planning Board Meeting Town Hall- Lower Meeting Room Monday, September 26, 2022

I. OPEN MEETING at 7:05 pm.

ROLL CALL:

| Board Member | Present | Absent |
|------------------------------|---------|--------|
| Andy Bodnarik | ✓ | |
| Karen Coyne | ✓ | |
| Ben Frost (Chair) | ✓ | |
| James Gaffney (Arrived 7:09) | ✓ | |
| Don Hall (Vice Chair) | ✓ | |
| Ben Inman | ✓ | |
| Lois Shea (Select Board) | ✓ | |

In Attendance: Janice Loz – Land Use Administration; Ray Carbone - Recording Secretary

Also present: Nancy Ladd – Pillsbury Free Library’s Library Director; Michele Courser – Town Clerk; Barbara Marty.

II. APPROVAL OF MINUTES – Aug. 29 and Aug. 31, 2022

Andy Bodnarik moved to accept the minutes of Aug. 29 as amended; Vice-Chairman Don Hall seconded. Discussion: None. **Voice Vote Tally:** 7- 0.

Lois Shea moved to accept the minutes of Aug. 31, 2022, as amended; Karen Coyne seconded. Discussion: None. **Voice Vote Tally:** 7 – 0.

James Gaffney asked for an update on Comet, LLC. The Chair reported that an appeal has been filed with the NH Housing Appeals Board and that Staff now has 30 days to prepare a certified record. He also noted that the applicant had now missed a grant application opportunity but that there could be other funding options available.

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III. CAPITAL IMPROVEMENT PLAN (CIP)

A. Library – Nancy Ladd

The Chair welcomed Nancy Ladd, who is Librarian at the Pillsbury Free Library. She outlined two primary issues: the HVAC system and the restoration of the building's carpeting.

The Chair said before moving on with the CIP review, there are two newer Board members who may not be aware of the group's annual CIP review process. He explained the Board has the obligation to review CIP requests from the Town's various departments; CIP items are considered to cost more than \$50,000 and to have a useful life of at least six years. When the process is completed, the Board submits its report to the Board of Selectmen and the Budget Committee; the report is for advisory purposes only.

B. Town Clerk – Michele Courser

Town Clerk, Michele Courser, explained how the Record Preservation project has been progressing. She said there are still about 20 tax books that need to be processed; three were sent out to be processed this year, as were two annual Town Reports.

The Chair asked Michele if she thinks there's enough money scheduled in the project's Capital Reserve Fund to complete the work by 2025. She estimated that could happen by 2025 or by 2026. Once the backed-up work is caught up, the Clerk's office should be able to keep up on the annual work.

James Gaffney asked Michele if she could provide a little more detail about what's being preserved, what's required, etc. Michele said there are some materials that are kept in her office that the Town is not required to preserve. State Statutes require the preservation of the annual property tax records and the annual Town Reports. The annual reports are being preserved and bound in five-year increments; the three tax records sent out for preservation this year are from the 1800's. The Town also gets CD's and microfiche of those records; the microfiche is kept in the Library and the CD's are stored in the Clerk's office. It is recommended the two record backup systems are not maintained at the same location. When the records are bound and preserved, the books are kept on the back shelves in the Clerk's office.

The Chair noted that there is a Municipal Records Committee. Town Clerk Michele said the group has not met in some time.

C. Police Department

The Chair noted that Police Chief Bill Chandler would not be present at the meeting, but he didn't anticipate any problems because the issues are relatively strait forward. He noted that the Department uses the State bidding process for purchases, which is helpful.

The Chair said that Chief Chandler's CIP request moved the planned purchase of the 2016 sedan out one year, from 2023 to 2024. The SUV purchase remains the same, for 2025 and the other sedan purchase remains the same, for 2027. However, the purchase price estimates for the vehicles have been rising: the 2024 sedan cost has gone up about \$2,000; the SUV cost has gone up \$5,000; and the 2027 sedan cost has gone up \$5,000.

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The Board had a brief discussion about electric vehicles. Andy Bodnarik said that he would like to see the Department look into that option more thoroughly; at the least, Chief Chandler could consider a hybrid. He hoped the Department would keep the issue on its radar. The Chair said that the next cruiser is not scheduled to be replaced for a few years.

The Chair said that the Board's CIP work still has to look over the CIP proposals from the Fire Department and the Department of Public Works (DPW).

Vice-Chair Don Hall, who serves on a committee working on plans to update the Transfer Station, said that Transfer Station Foreman Varick Proper would be submitting materials to the Board; the Station operates under the DPW. But the Vice-Chair wasn't sure when the figures would be available. He said that Foreman Proper (as well as others who work on cost estimates for the Town) is current apparently facing difficulties due to the recent market fluctuations of materials. "We have three proposals with three different figures," Vice-Chair Hall said. "It's difficult to know what to go to Town Meeting with."

The Chair said he understands the difficulty, but Foreman Proper and the study committee should keep in mind that the current costs are basically a "First Draft" that will likely be changed before or at the annual Town Meeting. He reminded Vice-Chairman Hall that the Budget Committee is looking forward to hearing about the Board's CIP proposals at its next meeting on October 6, i.e., next Thursday.

James Gaffney asked the Board what is listed on the agenda for the Board's next meeting on the coming Monday, October 3.

The Chair noted that, unless there's a request for a delay from the applicant sometime this week, the Comet, LLC., application for a multifamily housing building proposed (adjacent to its Dunkin Donuts building on Rte. 103) will continued at the meeting.

James asked if the Town's other Boards and Committees, as well as the Kearsarge Regional School District (regarding busing, etc.) had been notified about the hearing. The Chair said that is typically left to the applicant, but James reminded the Chair that he had proposed that the Board reach out to those various bodies. The Chair said the Staff could see to that.

James asked if the Fire Department had been invited to comment on the plan. The Chair reminded him that the Fire Department typically becomes involved when a completed plan has been submitted to the Board. James said he understood that, but he's wondering if a representative of the Fire Department could make some general observations regarding issues like the hydrant system for a building of this size and height at this location.

Janice said that the Board could invite the Fire Department to its next meeting, as well as representatives of the Warner Water Village District and the Kearsarge Regional School District. The Chair asked her to do that. The Chair also noted that notices about the hearing have been sent to three adjacent municipalities.

Karen Coyne noted that the impact of the proposed project could vary greatly depending on how many people are living in each housing unit. The Chair said there could be some limits on how many people can be in a unit mentioned in the National Fire Protection Association's code, but he wasn't sure how that would apply to private residences in a

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commercial building.

The Chair and James said that officials would likely use the average number of people living in each unit, as well as the number of vehicles allowed per unit, to estimate fire safety issues.

The Board agreed to include a copy of the most recent plans for the proposed project with the invitations being sent to other Town entities and the School District.

The Chair noted that the Board should not really begin discussing the particulars of the Comet, LCC, application at this meeting, since the formal hearing has not reconvened. James acknowledged the Chair's concerns, but he reminded the Board that this is the Town's first significant commercial rental housing building of this size and type, so it's realistic to expect it to give it special attention; he added his remarks are primarily focused on developing complete documentation that could instruct the Board whenever a similar project of this size and scope arises in the future.

Andy said that the Board has still not met with the Board of Selectmen and the Zoning Board of Adjustment (ZBA) to talk about the challenges associated with Short Term Rentals. The Chair said that the meeting should be scheduled and could also include looking at other zoning issues that the Boards suggest that the Planning Board consider as it prepares for the annual Town Meeting in March 2023. The Chair asked Janice to reach out to the two other Boards to try to set a date for a coordinated meeting.

IV. UNFINISHED BUSINESS

A. Housing Discussion - Master Plan

The Chair noted a request to review the Housing Section of the Town's Master Plan. The section was last updated 11 years ago; there was a census taken in 2010 but that data was unavailable for the 2011 update. So, all the tables in the section can be updated.

Andy said that the last update included a survey and questioned whether the Board wants to do a similar survey to understand what Town residents consider important about local housing at this time.

The Chair suggested that, if the Board wants to update this portion of the Master Plan, it would probably need some help. The recommendations that were made 11 years ago should also be reviewed.

Vice-Chair Don Hall suggested that the current Housing Section is not very vibrant, and the Town may be at a "tipping point" in terms of current and future housing issues. Do they want to invite everybody in for input adding that to do that will cost some money. Vice-Chair Hall also said that, while overall land ownership in the Town has remained stable for decades, some things are now "being sold off bit-by-bit." In addition, a significant portion of Town land is now in conservation.

Andy said the Board should have the same basic data about housing that was available for the 2010 update. How many building permits have been issued? How many are on existing land? What kind of buildings are the permits allowing? In addition, there's the issue of Fair Share, i.e., how many residential units are available for Workforce Housing

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and does that represent a fair share of what's needed in the region. He noted that the data he's compiled indicates that Warner is meeting its Fair Share legal obligation.

Karen Coyne pointed out that Andy's basic data indicates that Warner has available Workforce Housing at 20%, which is relatively high. But she wondered if that includes Pine Rock Manor (the senior living facility) and the Kearsarge Elderly Housing subsidized housing facility on North Road. Andy said those projects are not included. The Chair said Pine Rock is "probably classified as group quarters," while the North Road subsidized housing apartments could be considered single-family units.

Andy said the issue the Town is facing now has mostly to do with location. He said that his basic data indicates that Warner already has a significant portion of its land available for Workforce Housing, but the question is, if the expected housing boom comes along, has the Town thoughtfully considered where new housing can go? And how much can each community in the region bear, in terms of available services, etc.

In addition, he said that it would be helpful to review the last Master Plan recommendations so that the Board could evaluate what goals have been reached, what still needs to be done, and how those goals could be re-evaluated.

Vice-Chair Hall suggested that Warner may be at a "tipping point" in terms of its current and future land uses. James said it would be helpful to have a list of current building permits and how many are for Multifamily Housing units, how many are on existing developed properties, etc.

The Chair noted the Fair Share idea started in the State's 2008 housing law is a significant issue: that law requires each Town to bear its portion of the need for Workforce Housing in its region. Warner may meet that, but the Town residents could still want to provide beyond that benchmark, he added. There's an obligation to ask the residents for their input into the issue.

Lois Shea noted that the Master Plan emphasizes the importance of complying with the Town residents' wishes about development.

Karen agreed the Board needs to understand what residents want in the Town, as well as what currently exists. Do the residents who are campaigning for more affordable housing now understand that Warner may already have gone beyond the guidelines (i.e., more than 20%)?

Andy said the questions go back to the idea of doing a new survey; he suggested that it would be important to look at the original survey to see exactly what issues residents were trying to address at that time, and then evaluate the responses while putting together a new survey.

Karen said that the new survey should be augmented with information about the Town's current status.

Vice-Chairman Hall said he listened to a meeting of a neighboring town recently that is dealing with the same issues as Warner and the focus there is on homebuilders who coming in and creating attractive multi-duplex housing, all up to code and tastefully designed. That's not what's being done in Warner, he said, because no one so far has

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indicated a willingness to make a substantial parcel of land available for that kind of project. But it's interesting that the town is taking a different approach. He said the planned housing appears to be tastefully done.

The Chair reminded the Board that the Town doesn't create housing; it only provides the legal guidelines for the community.

James agreed, saying that the Town cannot dictate what gets built; it provides guiderails. He went on to suggest that the Board should return to some of the specific issues that still need attention, such Short Term Rentals and Tiny Homes which frequently overlap.

The Board had a brief review of the some of the issues related to Tiny Homes.

The Chair suggested the Board invite Michael Tardif, the executive director of the Central NH Regional Planning Commission (CNHRPC) and Matthew Monahan, a senior planner with the CNHRPC who regularly works with Janice, to assist applicants, to attend an upcoming Board meeting. The pair could offer some insights about how the Board might best proceed with some of these issues as they appear to be coming up more regularly. The Board might even decide to hire the CNHRPC to do some specific work; but since the Town is member of the group, there may be funds available to cover those costs. In any case, the Board would still be responsible for directing its work, even as it receives guidance from the CNHRPC.

Ben Inman agreed with the Chair that bringing in the group would be a good idea. James warned the Board against considering the current dynamic state of the housing market as one that represents a new trend. He said that that the last two/three years have been unusual, and the volatility is not likely to be repeated again anytime soon.

Lois asked if she could learn what the role of the CNHRPC was in the development of the most recent Master Plan. The Chair said from his knowledge of the situation at the time it is probable that the CNHRPC had a significant role in crafting the materials used in the Master Plan; however, the Introduction makes it clear that it is the work of the Planning Board.

The Chair said that, based on the Board's response to the idea, he would like to invite Michael Tardif and Matt Monahan of the CNHRPC to meet with the Board.

The Chair directed the Board's attention to the schedule for upcoming October meetings. After a brief discussion, he outlined tentative plans for the next two meetings. On Monday, Oct. 3, at 6:00 PM – Continuation of the Board's review of remaining CIP sheets from Town Departments (particularly DPW/Transfer Station and Fire Department). Then, at 7:00 PM, the Board will continue the Comet, LLC, hearing.

On Thursday, Oct. 27, at 7:00 PM the Board will meet with CNHRPC representatives Michael Tardif and Matt Monahan; complete the Board's review of its Rules of Procedure by reviewing the draft by Andy Bodnarik.

The Board agreed to the earlier meeting time for Oct. 3, and both tentative agendas.

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V. COMMUNICATIONS

None.

VI. REPORTS

A. Chair's Report – Ben Frost

None.

B. Board of Selectmen – Lois Shea

There was no meeting on Election Day, so no report.

C. Regional Planning Commission – Ben Inman

None.

D. Economic Development Advisory Committee – Ben Frost

No meeting.

E. Agricultural Commission – James Gaffney

None.

F. Groundwater Protection Committee – Andy Bodnarik

The Groundwater Protection Committee will begin meeting regularly on Thursday, Oct. 29, and then weekly on Thursdays until Feb.9; it will look at updating its maps.

The Committee has scheduled a public information session regarding threats to the Town's drinking water for October 19. A second major public input session is scheduled for January 4 regarding suggestions for zoning ordinances.

The Committee has also put together a two-sided outreach printed information sheet called "Protecting Warner's Drinking Water." The Chair's suggested to Andy that the information sheet be forwarded to the Librarian Nancy Ladd to post in their newsletter. He added that he would ask Janice to make sure every Board member gets a copy of it.

Andy also noted the upcoming legal deadline for submitting changes to Zoning Ordinances. He said the Office of Planning and Development is holding informational sessions and noted two pieces of legislation discussed at an earlier Board meeting that will impact the Board's actions.

The Chair said that one of those bills is already law and will impact the Board's Rules of Procedure. The second would make changes regarding the prohibition against most religious land uses, but it doesn't clearly define "religious land uses," so legal challenges are likely.

James noted that it's now important to have the Town's zoning fee schedule prominently posted to avoid any legal problems. The Chair said that it is. James also mentioned that the Town had problems arise out of its last effort at crafting groundwater protection ordinances. To begin with this time, it should begin by delineating exactly what problem

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the ordinance is trying to solve; and, as part of that, look for areas where State law may be in conflict with Warner's existing Zoning Ordinances.

Andy said there is a lot of material included in the new grant application that the Groundwater Protection Committee has submitted and he's not sure at this time exactly how things will work out. There are special criteria that have to be met to win the grant, and some specific assessment tools that need to be used.

Andy also said his idea would be to begin by focusing on mapping, which needs be updated. The State has issued a significant amount of data recently about Best Management Practices for groundwater and surface water. And he concluded by saying he's very concerned about related hazardous waste disposal issues. It's very ambitious to talk about developing a whole groundwater protection ordinance, or exchanging the current groundwater protection ordinance, without a good feel for the groundwater maps – knowing where the groundwater is (and) what's been built around and above those spots.

James said that, as he understood it, the grant has two aspects: one is education, and one is pushing for the development of a groundwater protection ordinance. He suggested that the Committee should have clear objectives for both aspects.

Andy said he doesn't disagree, but he's unsure how the process will proceed because he's not yet seen anything that he believes would clearly delineate some of the significant problems underlying the groundwater protection issues.

The Chair asked Andy to report back to the Board following the Committee's next meeting.

VII. PUBLIC COMMENT

None.

VIII. ADJOURN

Without objection, the Chair declared the Board meeting adjourned at 9:34.

Respectfully submitted by:

Ray Carbone