



TOWN OF WARNER

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**Zoning Board of Adjustment
Minutes of August 16, 2022**

Town Hall in the Lower Meeting Room

1. The Chair opened the ZBA meeting on at 7:00 PM.

A. ROLL CALL

Board Member	Present	Absent
Karen Coyne (Alternate)	✓	
Jan Gugliotti (Alternate)	✓	
Beverley Howe	✓ (via Zoom)	
Elizabeth Labbe	✓	
Barbara Marty (Chair)	✓	
Lucinda McQueen	✓	
Harry Seidel (Vice Chair)	✓	

Also present: Janice Loz, Land Use Administrator

2. UNFINISHED BUSINESS

A. Board Deliberations – Continuance of August 10, 2022 ZBA meeting

Application for a Special Exception. Case: 2022-03

Applicant: Comet, LLC., Adam Quinn

Agent: Jaime Hage, Attorney

Address: 9 Route 103 West

Map/Lot: Map 35, Lot 4-3

District: INT and C1

Description: 24-Unit Apartment Building for workforce housing

The Chair stated the purpose of this meeting was to determine whether or not to grant the Special Exception requested for the Comet, LLC., application for property located on Map 35, Lot 4-3.

The Chair said they will start with the conditions for a special exception and discuss each as a group. The Alternates can participate in the discussion until a motion is made.

The board evaluated whether the following conditions have been met in order to grant a Special Exception.

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Condition A. The use requested is identified in the Zoning Ordinance as one which may be approved by the Zoning Board in the district for which the application is made:

The Chair said the reason they are here is pretty obvious it is because we are allowed through the zoning table to grant or deny a Special Exception for multi-family workforce housing in the commercial overlay district. She asked if the board agreed or does someone have a question.

Lucinda said the question is, is it allowed to combine the building with market-rate . . . the Chair interjected and said no, they aren't considering that. The Chair said is the use, multi-family workforce housing and the Special exception for that use on Map 35, Lot 4-3 meet the three criteria. What the building looks like, or how many units for that use is not for the board to determine this evening. That will be hashed out with the Planning Board and any other parties that get involved. Whether or not this qualifies for a Special Exception, is what we determine. What they are applying for is in the use table, that is pretty much a given. Then the Chair asked if someone else had a question.

Harry clarified that it is a use that is labeled in the table that is permitted use by Special Exception.

The Chair went onto condition b. Janice inquired as to whether this was the time the board will make comments positive or negative on the record in response to each condition? The Chair said, when we get to a motion . . . Janice asked if she wanted to do that during this phase of the deliberations. The Chair said they were not purposing conditions. Janice clarified, is this the section when the board would lay out their individual comments as to the response to each of the conditions of a Special Exception. The Chair said that is what they are trying to do now. Janice said she understood and thanked the Chair.

The Chair asked again if anyone had any comments.

Beverley said she understood the Special Exception is allowed for workforce, but, not for mixed housing. The Chair said they are only considering what is in the use table and it says multifamily workforce housing. Beverley clarified it does not say mixed housing, correct? The Chair said that is not what is in the use Table, correct.

Karen asked does that mean it all has to be workforce housing? The Chair and Jan G. said that is irrelevant for what we are considering this evening. The Chair said we are just considering the use multi-family workforce housing as defined in the ordinances. Karen said if you say workforce housing there is an understanding that workforce housing is different from mixed use housing. So, if it is multifamily workforce housing, isn't it different than market-rate housing.

The Chair read the definition of workforce housing in the ordinances. Workforce housing also means rental units which are affordable to a household of an income no more than 60% of the median income of a three-person household within a metropolitan area or county where housing is located and published annually by the state's Housing Urban Development. Karen said all units have to be at 60% or less? Beverley said, right. The Chair said the only thing we are considering or have the ability to grant through this application is what is in the use table, which is multifamily workforce housing. The Chair

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said they are not defining percentages. Karen said multifamily workforce housing is 60% of the median income. The Chair said that is the definition in the Warner ordinances.

Jan G. commented that there isn't a definition of the percentage allocated for the 60% of median income families vs. market rate, she thinks there is a cut off of 15%. But there is no definition in the Workforce Housing ordinance that it has to be 100%. The Chair said this is the definition, this is the only definition, they have to work from. Jan G. and the Chair both agreed this didn't address that question. Jan G. said it was a moot point for the board to consider. The Chair said some other group is going to have to deal with this issue.

The Chair asked if there were any other questions relative to the use.

Elizabeth agreed that in the Intervale and C-1 districts workforce housing is permitted by Special Exception. Harry agreed it is permitted.

The Chair said she would skip the Alternates and go to the voting members. She asked Lucinda her thoughts. Lucinda said workforce housing is permitted in the C-1 and Intervale by Special Exception.

Beverley said Workforce Housing is permitted by Special Exception, but, multi-use is not.

Condition B. The requested use is essential or desirable to the public convenience or welfare:

Lucinda said despite the claim that water is plentiful...the Chair interjected we don't have to worry about the water. Lucinda said, we don't have to worry about anything? Karen said that is in the Special Exception application. The Chair said we don't have any testimony from the water district. Lucinda said don't we need testimony from the water district. The Chair said they do not, the Planning Board will handle that issue with utilities. The Chair said under the next section, whether it is detrimental to the health, if you wanted to work water or the lack of it into that condition, you could. The Chair said this section is just about whether it is essential or desirable to the public convenience or welfare. The Chair asked Lucinda if providing workforce housing on Map 35, lot 4-3 is essential or desirable to the public convenience. Lucinda asked if she could read her statement. The Chair said, yes.

Lucinda stated that she believes this project creates a potential for a traffic hazard in the center of Warner's Intervale/Commercial zone. Warner's volunteer Fire Department could also be hard pressed to tackle a fire emergency in this large housing project. This project cannot discriminate against accepting lower income, non-residents for its workforce housing units thereby negating the claim the projects approval will allow lower income Warner residents a place to stay in Warner.

Elizabeth said she appreciates the guidance too, because as they talk about essential and desirable, she kept coming back to a bunch of different things. The Master Plan directs the board on this, a little bit. Then the overlay district adds a bit of a complication. Our overlay district tells us specifically that in addition to all the provisions in C-1, the C-1 guides all the Intervale as well. From the perspective of desirable and essential we have some awesome guidance in our ordinances. Specifically, the purpose of the overlay district is to provide a framework for development in this area as a commercial and social hub for the community, compatible with Warner's character and the historic New England

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town. Providing an appropriate entrance to the village which lies less than a mile south. She said this speaks specifically to this area. Essential and desirable can be subjective and she is trying to flesh this out with guidance from the Master Plan. Traffic is definitely one of the big questions to deal with. But, the state is involved and it will go some place else to have that decided.

The Chair said she would get everyone's input and maybe everything will gel.

Harry said he appreciates the concerns that people have in regard to traffic and water which are really issues for the Planning Board to work out. They need to focus on the specific question they are being asked. The language is a little bit subjective. When they say essential and desirable, he looks to the Master Plan for guidance. They looked at the state law and there are multiple pages of study on this subject. The Planning Board came down to the conclusion after a questionnaire to the town, that adoption of workforce housing is advisable. Harry said that is a pretty powerful statement. Our ordinances follow pretty closely the guidance of the Master Plan and state guidelines. It's clear that it is desirable to the town of Warner. There is a well-established need for housing. The word essential is sort of subjective, however similar. He thinks about the location and would that have an impact, which gets into Planning Board types of issues. He believes Warner is fortunate to have two exits off Interstate 89. If somebody is coming to workforce housing, they don't need to access Exit 8 and go through town, they can go directly home on Exit 9. If they need food at Market Basket, they could do that, or if they want to go to the Warner Market, they could do that. But not all traffic is forced to come through the center of town in this location. This property would have a strong proximity to the commercial center in the Intervale area and that would be desirable for the people who live there. It also is convenient.

The Chair said she finds it is desirable to the public convenience. We know that in the state there is a less than 1% vacancy rate. Business' have said they have a hard time filling jobs. Although, we cannot mandate that people live in Warner at these units. The fact that people who live in Warner or plan to work in Warner that is some population that will inhabit this type of housing. The Master Plan which was updated in 2010 does have housing goals and objectives. Which includes encouraging housing and development near existing village areas where public services already exist. As we know there is water and sewer and all the conveniences that people would need to survive in the Intervale district. Also, from the Master Plan, is the desire to preserve Warner's rural character and natural resources by minimizing development in outlying areas. Here is a situation where we are encouraging development in the Intervale and not in the outlying areas. The Chair said this seems to support that goal, as well. The Master Plan also states the goal of supporting energy efficient home design and construction including the use of onsite renewable energy production. The Chair was not sure this is a goal this development will rise to. The Master Plan also says development needs to provide realistic and reasonable opportunities for the development of workforce housing particularly near existing services roads and amenities. She said this project can't get much closer than an exact match than that in the Master Plan. There is this entire ordinance that deals with workforce housing. The state defines workforce housing as reasonable and realistic opportunities for the development of workforce housing which means opportunities to develop economically

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viable workforce housing within the framework of the municipalities ordinances and regulations. The Chair said in the town of Warner in the Master Plan and in our ordinances we have developed rules and regulations to encourage workforce housing. Also, the USE Table identifies this as a use allowed by Special Exception in this district. She thinks on the question of whether it is essential and desirable to the public welfare the answer is, yes.

Beverley disagrees. She was here when the original Master Plan was done and it was never to incorporate business' in a residential area, or a residence in a business area. She does not know what they changed in 2010. It just doesn't work. What will work when the company that owns it now, sells the property. Who are they going to let live there. She is sure most of the board has seen places where there is affordable workforce housing and what happens there. It ends up not being very pretty. This is where we want people to come into our town. People move and want to be here because it is a wonderful town. Why are we changing things for this. Nowhere in America are there places to live these days everything is financially out of sight. We are certainly not going to solve this problem. This building needs to be in Concord, somewhere close to where people can get to work.

Jan G. asked the question if not there, where? Where in town would you put something that agrees with the law from the state and Warner agrees to. Workforce housing is important and is necessary and direly in need. Where are you not going to have the same traffic for 15-to-24 units even if they are broken up into little pieces. Where are you not going to have an issue with added traffic. Where are you not going to have the potential for undesirables to move in. Where are you not going to have people using water to drink and potentially washing their cars. Why are we saying that this particular piece of property is somehow worse than if this project went somewhere else. Are we really saying we kind of have to like this idea because it is humanitarian but, we really don't want it in our backyard. Jan G. said this is a piece of property that is ideally suited for something like this. It is located within services that people need. If they don't have a car and they can run fast across Route 103, they can get to the hardware store, grocery store and the liquor store and whatever future business' may be available. The property is a swamp. Where else are you going to put a housing unit where they can use the natural perc of a very sandy swamp to make sure runoff doesn't become a problem in the river. The dream that we can say this can go to another town where there are a lot of poor people is sort of ducking responsibility.

Karen said she wasn't in town in 2010, maybe she doesn't have a vote or say, although things have changed quite a bit since the twelve-year old Master Plan. It may be time to revisit the Master Plan. She lives north of Exit 9 and she prefers to take Exit 8 off Interstate 89. She deliberately takes this route to drive through town and smile, because she loves to live here. She never takes Exit 9. She believes people would use Exit 9, if they wanted to hop on to the highway. Harry said his partner, prefers to take Exit 8 for the same reason. His point is there is a convenient exit at Exit 9.

Harry read a passage from the Master Plan and he took note of the town of Warner recognizes the importance and benefit to the community so much so that normal zoning

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could be waived as long as public health safety and welfare are maintained. He thought that was a pretty powerful statement.

Lucinda said it was a matter of scale for her. She was at a Planning Board meeting when Ben Frost mentioned workforce housing as being smaller pods. These could be in a residential area. Having the building that is drawn on the plans at the entrance of the town she does not find suitable.

Elizabeth wanted to point out that workforce housing is permitted R-1 and B-1 without a Special Exception. We do have accommodations for these projects. The Chair said a lot of those districts are very built already. She doesn't know if there are any available lots in those districts.

Condition C. The requested use will not impair the integrity or character of the district or adjoining district, nor be detrimental to the health, morals, or welfare:

Harry said the actual location of the project opens up to the west and the south and is closed off from the residential area to the east and very dense. There is a rise in the land and large trees to east of the site, which will create a backdrop and buffer. This is a large building which may not be easily adapted in a residential area, he felt this building was actually pretty nice. He does not think the integrity of the area is going to be sacrificed. He looked at the design and layout done by the architect and thinks it is very well done. A building of that size could be a big box and a lot of effort has been made to scale it down and make it more manageable. It is not going to create a nuisance from the standpoint of noise. It's not like a factory that would make noise, it is a residential use. It is not going to be detrimental to the health and morals of the district.

Elizabeth said our use table is pretty strict and the only thing that is allowed as residential is multi-family workforce housing, that is it. There are no other residents that are allowed in the Intervale without a variance. The ordinance says if this abuts a residential area you need to have a vegetative buffer. Although, this doesn't abut a residential area and it abuts a commercial area. What if that commercial property, between this property and the residential district, sells and is clear cut then what would be the buffer between commercial and residential districts. Beverley interjected that property is owned by the same owner of this property. Elizabeth said she is speaking about the property to the east of the subject property, lot 003. The property next to it has the old camper/trailer on it, which is commercial. Elizabeth said that isn't our problem, we don't deal with the buffering problems that is all someone else's issue. We need housing, but, she questions whether the housing is in the right spot, specifically because of the massive size. The Chair stated they are just considering workforce housing. Elizabeth said which is allowed by Special Exception. The Chair said do you think workforce housing would impair the character and integrity of the district or be detrimental to the health, morals or welfare if it is placed on that lot. Elizabeth said the size for the lot makes me hesitant. The Chair said what about the use. Elizabeth said the use is exactly right on, we need workforce housing preferably in a developed area.

Lucinda said this 24-unit housing located within a few feet of a residential zone will create a buffer between the commercial zone and the residential zone is non-sensical. Open

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space in a preserved floodplain area next to our sensitive wetlands and the Warner River would create a buffer. The reasoning the applicant uses, she does not agree with. The Chair said out of that 13.8 acre lot, 11.2 is in conservation easement. Lucinda doesn't agree that there would be a buffer and she finds building design is not attractive. The Chair asked about the use. Lucinda said the use is fine, but she felt they did not fit the other conditions of a special exception.

The Chair felt that a multifamily workforce housing project in this zone does not impair the integrity of character of the district. The district has a Market Basket, a liquor store, a McDonald's, two gas stations, a Dunkin' Donuts it couldn't get much more commercial. There will be parking and cars going in and out, although it will not have the traffic that a box store or a restaurant would have. She doesn't see how it is detrimental to the health, morals, or welfare. It will provide opportunities for reasonable and realistic development of workforce housing, which the town has said they want. It looks like it will be a well-maintained building. It would contribute to the welfare of Warner. Hopefully, it will attract people who work and want to live in Warner. Concord is breaking ground on hundreds of units of workforce housing. If towns all over the state take advantage of this program to build workforce housing locally hopefully that will accommodate the people that want to be in those towns. She feels this will not impair the integrity of the district. Hopefully if it is well done and well maintained it will be a huge bonus to the town. We cannot guarantee that the big trees will buffer between the commercial and residential areas. Although, this property is at a lower elevation than the residential area. Hopefully, it won't look huge to people coming out of the village.

Beverley finds it hard to believe that this town banned a Hampton Inn from coming in just across the street from this property is going to put in an apartment building.

Jan G. said she agreed with the Chair's statement and added if someone is worried about the uglification of the Exit 9 area would you really rather see a Dollar General store on this location.

The Chair told the board they would vote on each of the conditions. She felt the board was split on this issue, in order to get a consensus it would be advantageous to vote on each condition. Elizabeth interjected that if the owners wanted to put a hotel on this site it is a permitted use. Harry said he has to remind himself that on the Zoning Board they are acting in a judicial capacity to decide a specific issue and whether or not it is a benefit to the town. He said he may not like big buildings but, he thinks about the benefit to the town. We are not making a decision on our own personal preference for building type or development type, we need to think beyond that and think about what the community needs and how could that need be satisfied. We need to weigh in the difficulty that every city and town is having with supplying that need. It is not easy. Mixing workforce housing into any town's residential mix is really going to be difficult. This developer seems to have shown a lot of integrity and I trust him. This lot has some significant benefits from the environmental standpoint. They mentioned how high the perc is and how the water goes down in and recharges the groundwater base. That is a really a good thing. It is surrounded by a huge filter, a wetland, which is also a good thing. So, the property has natural protections around it. We need to weigh these things all together when we make these kinds of judgments.

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The Chair asked members to remember that when they get to a point of making a motion, the motion has to be based on findings. It cannot be based on feelings. So, when you think about your arguments pro-or-con for this special exception, try to express yourself in actual findings.

Elizabeth said we have made it clear that we are talking solely about workforce housing. The Chair affirmed. Elizabeth said there is testimony that this is not solely a workforce housing project, so what do we do with that information, how do we weigh that information. The Chair said we are only voting on the use of the multi-family workforce housing as defined in our ordinances. The Chair said we are not talking about the mix or the building or the driveway or the parking spaces or the water that is all the Planning Board's responsibility. Is the use of workforce housing supported by the application, which have the three conditions that we are going to vote on. We don't worry about if eventually there will be a mix of uses in this building or what will be decided down the road. We are only voting to allow a special exception for workforce housing on Map 35, Lot 4-3. Elizabeth affirmed.

Karen said she agrees with Elizabeth, when we say workforce housing is allowed by special exception. Market rate housing is not allowed by special exception. If your building is half and half it not workforce housing. There is a disconnect there. We either say it is workforce housing, which is 100% of the building or its mixed use, which no longer qualifies for the special exception. The Chair said that disconnect is going to be resolved outside of this board. Karen said, but if it is not workforce housing then it does not qualify. The Chair said we are only voting for multifamily workforce housing.

Beverley said the applicant already said that is not what they are doing, they are doing mixed. So, why are we making this decision that we already have in our ordinances and they are saying they are not going to abide by it. She said if we vote yes, we are saying yes to what they want. The Chair said, no, we are voting yes on multifamily workforce housing.

Jan G. read from Page 458 of the NH Planning and Land Use Regulation book, RSA 674:59 II, *"If municipalities shall not obey the law if they have workforce housing by inclusionary zoning provisions that rely on inducements that render workforce housing developments economically viable."* To her that says you cannot play games with the market rate vs. workforce housing if it makes that development economically unviable. The Chair said, that is not a question we are broaching.

The Chair said the voting members will vote on the three conditions.

Condition A. The use requested is identified in the Zoning Ordinance as one which may be approved by the Zoning Board in the district for which the application is made:

Beverley Howe: Yes, Elizabeth Labbe: Yes, Lucinda McQueen: Yes, Harry Seidel: Yes, Barbara Marty: Yes. **Roll Call Vote Tally: 5 – 0**

Condition B. The requested use is essential or desirable to the public convenience or welfare:

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Beverley Howe: No, Elizabeth Labbe: Yes, Lucinda McQueen: No, Harry Seidel: Yes, Barbara Marty: Yes. **Roll Call Vote Tally:** 3 - 2

Condition C. The requested use will not impair the integrity or character of the district or adjoining district, nor be detrimental to the health, morals, or welfare:

Beverley Howe: No, Elizabeth Labbe: (said we are talking about workforce housing and not the project before us. The Chair said, yes.) Elizabeth then voted – Yes, Lucinda McQueen: No, Harry Seidel: Yes, Barbara Marty: Yes. **Roll Call Vote Tally:** 3 - 2

B. Motion

The Chair asked if there was any further discussion. No comment from the Board. The Chair called for a motion.

Harry Seidel made a motion to approve workforce housing use permitted by special exception according to Article XIV-A. Section C.1. requested by Comet, LLC., property located at Map 35, Lot 4-3 in the C-1 and Intervale district. Findings: the adoption of workforce housing is deemed advisable by the Planning Board and strongly recommended by the 2011 Master Plan. The applicant has shown integrity and interest and competence. It also has been shown that it will not impair the integrity of the Intervale district. **The Chair seconded the motion.**

Discussion: Elizabeth said in the Master Plan it says in the Warner Zoning Ordinances, which has changed since 2021, says specifically workforce housing allowed in every residential district except the Intervale overlay district at Exit 9. She questioned if that should be in the motion, since it says it is not allowed there. Elizabeth clarified the reference to the 2011 Master Plan has not changed to allow workforce housing in the Intervale, although, the Use table has. The Chair said, so you think there is an error that when the new ordinance went in, the Master Plan didn't get updated? Elizabeth said the Master Plan is pretty specific about not wanting residential development in the overlay district near Exit 9. However, she read the Planning Board minutes where they addressed that issue and shifted the use to where it is now permitted with a special exception. Since the Master Plan didn't specifically say that, then maybe we shouldn't have that in the motion. She is opposed to reference to the Master Plan as being supportive. The Chair said the Master Plan, minus that passage, has a lot of other support. Elizabeth said, definitely.

The Chair suggested amending the motion. Mentioning the developer as part of the motion, characteristics of the person, we are really only giving the special exception to the property not to an individual. She would strike the mention of a person. Harry agreed.

The Chair purposed taking out the name of the developer they could sell the property tomorrow and it could belong to someone else. We are granting a use and that use stands for two years until it is abandoned. If the developer pulls out of the project and sells the property the next owner could still have the permission to build workforce housing on Map 35 Lot 4-3. Janice interjected that you could put the name of the applicant and usually in the case files the name of the applicant is noted. The Chair said applicant 2022-03 will have the name of the application, the property and all of the things that we put in as part of the decision. Harry recalled that they typically use the applicant's name.

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Harry restated the motion to read *“to approve workforce housing use permitted by special exception according to Article XIV-A. Section C.1. requested in Case 2022-03, at property located at Map 35, Lot 4-3 in the C-1 and Intervale district.”* The Chair suggested under Warner ordinances under TABLE 1 Use Regulation residential number 6, Multifamily Workforce Housing. She said that could be flushed out with more information. The Chair said the XIV-A.C.1, which was referenced, and we have been talking about the use table. It says multifamily workforce housing may be developed in a R-1, R-2, B-1 shall be subject to the limitations to Article IV.K. and L. Workforce Multifamily Housing developments in Districts C and INT shall not be subject to Article IV.K and I. She said C.1. actually, refers to something very specific. She thinks it would be stronger to say that you are granting a special exception for multifamily workforce housing as specified in the Warner ordinances under Table 1 Use Regulations Residential number 6. She said it needs something that refers to the Use Table instead of XIV-A.C.1. Harry agreed. Harry asked if Janice got that and she said, yes. Janice suggested to the Chair that they could use Article XI-A.b., which references the use table for the Intervale District. The Chair said to Harry you could just say, XIV.C. because the first thing under C., says workforce housing may be developed through this article as areas shown as hatched on the overlay map in this article. The Chair said it is cleaner to reference the use table. Harry agreed. Elizabeth said why wouldn't they reference the entire article for workforce housing. The Chair said because what we are granting the special exception for, or not, is specified in the use table. Janice reminded the board that article XI-A.b is the ordinance for the Warner Intervale, which brings the reader directly to the TABLE 1 Use Table. Janice read article XI-A.b. *“Uses permitted only by special exception of the Zoning Board of Adjustment shall be those designated by the letter S in column INT of Table 1.* She said that will get them there too, if they so wish.

Janice asked about relative wording on XIV-A.C.1. The Chair directed Harry to read the motion. Harry restated the motion to read *“to approve multi-family workforce housing use permitted by special exception as specified in the Warner ordinances under Table 1, Use Regulation, residential number 6. To allow multifamily workforce housing in the Commercial Intervale district on Map 35, Lot 4-3. Findings: the adoption of workforce housing is deemed advisable by the Planning Board and strongly recommended by the 2011 Master Plan. It will not impair the integrity of the Intervale district.”* The Chair asked if they want to say it was advisable by the Planning Board. Elizabeth said it was voted in, as well. The Chair said advisable by the Master Plan and the ordinances. Harry said it was deemed advisable by the Planning Board. Janice questioned whether the board wanted that. The Chair said it is supported by the Master Plan and the Warner Zoning Ordinances as voted by the residents of Warner.

The Chair said they needed to read through it one more time. The Chair read: *“A motion to approve multi-family workforce housing use as permitted by special exception as specified in the Warner ordinances under Table 1, Use Regulation, residential number 6. To allow multifamily workforce housing in the Commercial Intervale district on Lot 35, 4-3.”* Harry read the findings: *“the adoption of workforce housing has been deemed advisable by the Planning Board and strongly recommended by the 2011 Master Plan.”* The Chair was stumbling over the reference to a body and as voted by the citizens of the town of Warner. Janice suggested they don't have to say it was voted on, because it is implied all ordinances are voted on. The Chair stopped Janice and told her there was a motion on the floor.

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Harry commented that he was just looking at the Master Plan, it is not always easy to understand. Some of what you read is reports on findings. The Chair said go to 4.2 under housing in the Master Plan, the section on goals and objectives. Harry said go to the Master Plan to page 40. Harry read, *“Warner has clearly articulated in the 1999 Master Plan and a 2008 commuter survey and in regular Planning Board sessions the desire to encourage development of workforce housing to provide a diverse supply of housing actions in the community. There are a number of small inconsistencies and gaps in town regulations that if addressed will provide a more coherent framework for workforce housing development. The major recommendation that arises from this regulatory audit is that Warner should adopt a workforce housing ordinance, whether it is an overlay district or a town-wide inclusionary zoning ordinance, adoption of such an ordinance along with the resolution of inconsistencies identified in the audit would ensure that the town complies with the workforce housing law.”* The Chair said okay, so if you say advisable by the Planning Board and supported by the town Master Plan and zoning ordinances. Then add the statement that it will not impair the integrity.

The Chair called a vote to the amendment to the motion. Elizabeth asked to have it read again.

The Chair said the motion is amended to say: ***“Motion to approve multi-family workforce housing use as permitted by special exception as specified in the Warner ordinances under Table 1, Use Regulation, residential number 6. To allow multifamily workforce housing in the Commercial Intervale district on Lot 35, 4-3.”*** Harry read the findings: *“the adoption of multifamily workforce housing has been deemed advisable by the Planning Board and strongly recommended by the 2011 Master Plan. The Chair said then we are adding, the Warner Zoning Ordinance. Also, the additional finding that it will not impair the integrity of the Intervale District.”* Harry said where it says Warner’s zoning ordinance, should we say workforce ordinance. The Chair affirmed. Harry said let’s just leave it.

Elizabeth said she is stuck on the Planning Board thing. They already voted in the inclusionary and the workforce housing, it was voted on and approved and completely settled. They have already accomplished that, so it is supporting those decisions. The Chair said so you think by saying advisable by the Planning Board you are going back a step. Elizabeth said we have already done it, so to their suggestions we are saying, yes we are listening. Harry said it is in findings of fact, so to say something has already been settled is not wrong it is just a finding of a fact. Elizabeth said it was also voted into our ordinances in 2021 by the residents of Warner. Harry said you want to add that. Elizabeth said she would like that. Harry was fine with adding *“and approved by vote in 2021.”* The Chair said the zoning ordinances were voted on as warrant articles.

The Chair called for a vote on the amendment. Beverley Howe: Yes, Elizabeth Labbe: Yes, Lucinda McQueen: Yes, Harry Seidel: Yes, Barbara Marty: Yes. **Roll Call Vote Tally:** 5 – 0. The amendment to the motion passed.

The Chair called for a vote on the motion as amendment. Beverley Howe: Yes, Elizabeth Labbe: Yes, Lucinda McQueen: No, Harry Seidel: Yes, Barbara Marty: Yes. Beverley asked what she just voted on. The Chair said she voted on the motion as amended. Janice said you voted to grant the special exception. Beverley confirmed her

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vote as a, yes. **Roll Call Vote Tally:** 4 – 1. The motion as amended passed. The Special Exception for Multifamily Workforce Housing was granted.

Janice asked for an emailed copy of the amended motion for inclusion in the minutes.

The Chair read the aggrieved statement to the applicant.

3. ADJOURNMENT

Motion to adjourn by Harry Seidel. Beverley Howe seconded the motion. Voice Vote Tally: 5 – 0. The meeting was adjourned at 8:30 PM.

Attachment 1: Final written motion

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Attachment 1

Final Written Motion

Voted on August 16, 2022

Barbara Marty <bmarty333@gmail.com>

Hi Janice,

Thanks for your work on the Comet application. Harry and I compared notes this morning to arrive at the motion as written below. Please let me know if there is anything else that is needed at this time.

All the best,

Barbara

Motion to approve the application for multi-family workforce housing use, as permitted by special exception for the property designated on Map 35 4-3.

Findings:

- **The use is specified in the Warner Ordinances under Table 1- Use Regulations - Residential #6 to allow multi-family workforce housing by special exception in the commercial/Intervale district.**
- **The adoption of multi-family workforce housing was recommended by the Planning Board, strongly supported in the 2011 Master Plan and adopted by vote in the 2021 zoning ordinances.**
- **Furthermore, the use will not impair the integrity or character of the Intervale district.**