



TOWN OF WARNER

P.O. Box 265, 5 East Main Street
Warner, New Hampshire 03278-0059
Land Use Office: (603)456-2298 ex. 7
Email: landuse@warnernh.gov

Planning Board Work Session

Monday, May 20, 2024

I. OPEN MEETING and ROLL CALL:

Board Member	Present	Absent
David Bates	✓	
Andy Bodnarik (Vice Chair)	✓	
Karen Coyne (Chair)	✓	
Pier D'Aprile	✓	
James Gaffney	✓	
Barak Greene – Alternate	✓	
John Leavitt - Alternate	✓	
Ian Rogers	✓	
Harry Seidel – Selectboard	✓	
James Sherman – Alternate		✓

In Attendance: Janice, Land Use Administration

I. PUBLIC COMMENT

The Chair discussed transparency in Board appointments by the Selectboard. She stated that there needs to be improved communication and transparency regarding Board appointments and the publication of official lists.

John Levitt was appointed to the Board but refused to be sworn in until all appointments were publicized. He filed a 91-A request for the minutes of the non-public session and found they were not sealed. He believed there was too much happening behind the scenes and wanted improved transparency.

James noted that the list of town officials hasn't been updated in over a year and is not accurate. David mentioned that the list of elected officers starts after the Town Meeting and is updated accordingly.

Harry assured that there is no nefarious activity and that the minutes were sealed properly.

II. Review 2023 changes to RSA's from Planning Board handbook to see if amendments are required to the Zoning Ordinance, the PB's Rules of Procedure, the Subdivision regulations, the Site Plan review regulations, etc.

A. Application Review Fees for Conditional Use Permits there is a need to review and possibly adjust the application fees to ensure they cover the actual costs.

UNAPPROVED PB MINUTES OF MAY 20, 2024

- B. Develop a draft of the groundwater protection application and review the fee schedule. He suggested adding a Conditional Use permit for groundwater protection to the fee list. Harry asked if Andy had compared the fees with other towns involved in groundwater protection.

James suggested that if fees are to be raised, there should be a justification for it and the process should be streamlined.

Janice mentioned that staff time, mailing, and other administrative costs are covered by the fees. David noted that Janice is overworked and that other towns have higher fees.

- C. Janice said the minutes and she is working to review and format them before the June. Formatting and editing are necessary to ensure consistency. Typos and capitalization need to be checked. Andy helps with editing to ensure consistency. Verbatim copies are more time-consuming but must be provided if requested.

A new method for minute-taking is being tested, and its effectiveness will be evaluated. The Chair is trying a new method for minute-taking tonight. Comparison of raw dictation with formatted minutes is necessary. Using tools like Boomer or Word for transcription. The Chair will process tonight's minutes, May 20, 2024. Harry said recording minutes by committee may not be the greatest thing. The Board discussed implementing a streamlined system for meeting minutes to make the process quicker and more impactful.

- D. Andy discussed identify and address required changes to RSAs and practice pointers systematically, consulting with relevant authorities to avoid conflicts. Identify which changes are required by law and which are suggestions. Address the most complicated changes first, especially those with immediate effective dates. He mentioned consulting with Fire Marshal and Road Agent to ensure compliance with fire code and driveway regulations. Andy will provide links or copies of relevant RSAs to new members, through Janice in the Land Use office.

Andy said there needs to be clarity as to which changes are actual legal requirements and which are Office of Planning and Development suggestions. Some changes are practice pointers and not legal requirements. Appendix C practice pointer recommends municipal attorney review rules of procedure before finalization and at least one public hearing. Some changes have already been implemented. Rules of Procedure are already placed on file as required such as the addition of a regional impact appendix. Driveway regulations need legal help due to conflicting statutes. Driveway width requirement of 15 feet vs. new requirement of 12 feet. Fire code issues need to be addressed in driveway regulations. Driveway regulations do not apply beyond the road Right of Way. Property owner responsible for emergency vehicle access. The Board needs to break down the changes into manageable chunks and address them systematically. Some changes need to be addressed immediately due to effective dates. Driveway changes are effective October 3, 2023. Planning Board can change some regulations unilaterally, while others need voter approval. Consult with Fire Marshal and Road Agent to avoid conflicts between site plan approvals and Fire Code requirements.

- E. The Board discussed the need for members to ensure all Board members, especially new ones, have access to necessary training materials and regulations. Janice will send an email with links to training materials and videos from the May 11th training. Kathy Fredette will sign up new members who need to contact the New Hampshire Municipal Association (NHMA) to get their status and access training materials.
- F. Andy discussed the Groundwater Protection Overlay Map ensure the correct version of the groundwater protection overlay map is accessible and properly referenced in the ordinance. Janice will work with Andy to ensure the correct version of the map to all board members.

III. Continued discussion on Short Term Rentals (STR).

The Town needs to define and potentially regulate Short Term Rentals to manage future issues and ensure safety. The Board discussed what defines an STR. Consider regulations or guidelines for STRs including safety standards. Barak mentioned the need to define STRs. Regulation could help manage potential future issues with short-term rentals. Pier mentioned the potential increase in STRs and the need to get ahead of it.

The Board discussed existing STRs and potentially grandfathering existing rentals under new regulations. The Planning Board should take the lead in defining and regulating Short Term Rentals, involving legal counsel and the public in the process.

The Board reviewed proposed documents with options for STR regulations. The Chair offered that Board members research definitions for terms like 'dwelling unit' and 'resident'. The Board will hold public sessions to gather input on STR regulations.

Short-term rentals should follow the same life safety regulations as rental properties and hotels. There is confusion about who is responsible for ensuring compliance with these regulations: the renter, the owner, or the town. The issue of STRs is complex and has not become clearer over time. The New Hampshire Supreme Court is making decisions on STRs due to the legislature's failure to clarify the laws. Sunapee lost a lawsuit regarding a travel trailer being rented as a short-term rental. The state legislature is primarily interested in collecting rooms and meals taxes from STRs but lacks enforcement mechanisms. Different towns have varying definitions of STRs, leading to inconsistent regulations.

The rooms and meals tax is redistributed by the state based on population, not directly benefiting the towns where it is collected. Rooms and meals tax collected from Warner does not go directly to Warner but is redistributed by the state based on population. Towns with accommodations and restaurants get an equal share proportional to their population.

The Board agreed to work on defining STRs and each member will bring a draft definition to the next meeting. Each board member will draft a definition for STRs and come to the next meeting with a draft of what they think the definition should be.

IV. CIP PROCESS AND TIMING FOR 2024

The Board needs to engage with departments earlier, offer technical support, and set clear deadlines to improve the budget planning process. The Chair will send a letter to Department Heads informing them of the earlier start and schedule face-to-face meetings. She will create a CIP calendar with target dates and meeting dates. She stated that the goal is to engage with departments earlier to avoid last-minute rushes. offer technical support to departments that struggle with Excel and numbers. Set an earlier date for Department Heads to submit their budget numbers. Schedule face-to-face meetings with Department Heads to ensure timely submission of budget information.

The Budget Committee needs to maintain detailed records of both revenue/expenses and capital values to avoid delays and confusion. There was discussion that people are intimidated by capital budgets and often delay working on them. The Budget Committee maintains revenue and expense records but not necessarily the capital value of each building. The CIP helps in long-term planning and managing large expenses without borrowing money. The Chair will circulate the CIP form to all Department Heads. The goal is to space out expenditures to avoid large spikes in any one year. The Town prefers not to borrow money from banks and instead manage funds internally.

V. COMMUNICATIONS

- A. Harry Discussed the new Building Permit application, which needs to be finalized soon. **2**
- B. **EDAC Committee:** The EDAC committee is working on gathering residents' opinions and needs more members. They will distribute the questionnaire and gather feedback.

- C. **Housing Advisory Committee Schedule Change** – Ian said the Housing Advisory Committee meetings for June will be on June 6th and June 27th instead of the usual schedule. Bill Hanson, the co-facilitator, is on the Budget Committee which meets the same day as the Housing Advisory Committee. The Housing Survey Results there needs to be a decision on whether to post both versions of the survey results will be made after further discussion and review. The survey results have been processed but not posted on the website yet. There are two versions of the survey results: a 40-page quantitative report and a 137-page report with all comments. There are concerns about posting full comments due to personal mentions and a curse word. Some members suggest posting both versions for transparency. Others suggest summarizing the comments to avoid potential issues. Concerns about the political culture and potential backlash if comments are not posted.
- D. **Grant and Master Plan Chapter:** The HAC will continue its work until recommendations are made to the Planning Board, regardless of the grant deadline. They are working to finalize the Master Plan chapter and make recommendations to the Planning Board. Central New Hampshire Regional Planning Commission will stay with the committee until the end, even if the grant deadline is in July. The HAC's role ends when they make their recommendations to the Planning Board. Documents for public distribution should be in PDF format, and work-in-progress documents should not be distributed. Ensure all public documents are in PDF format. Documents should be in PDF format to prevent tampering. Work-in-progress documents like Excel charts and pivot tables should not be distributed.
- E. **Building Permits and Accessory Dwelling Units:** Efforts should be made to gather better information on building permits and ADUs.

VI. PUBLIC COMMENT – None.

VII. ADJOURN at 8:59 PM.