

Michael Holt

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Warner, NH 03278

Regarding Planning Board Meeting January 20,2021

We as a town/community need to do our due diligence regarding the proposed Zoning Amendments Associated Documents A, B, C, D, and E. I would hope a decision (s) would not be made until all voices could be heard regarding these amendments. I recommend further discussions so all interested parties could have a voice these are major revisions for the town of Warner.

Thank You for the opportunity to voice my opinion.

Mike

To: Town of Warner, Planning Board, Attn: Benjamin Frost, Chair

From: Paul and Patricia Goneau, 160 Waterloo Street, Warner

Date: January 20, 2021

Re: Public Hearing 01/20/2021 – Proposed Zoning Amendments

We are writing to express **OPPOSITION** to the Zoning Board Ordinance Amendments being proposed by the Planning Board. It is difficult to summarize in a brief paragraph and therefore we will outline the points that we believe are relevant to our opposition, followed by questions specific to the particular proposed amendment(s).

- 1) The proposed amendments are **not** minor but are **SIGNIFICANT** and will permanently impact the character and landscape of the town of Warner for good with no recourse! Lifelong residents and those of us who chose to make Warner our home, did so because of the characteristics of Warner.
- 2) The proposed amendments are being “**ruled**”. They were introduced as “new business” only recently at the January 4, 2021 planning board meeting, followed by a “hearing” scheduled within 3 weeks of the initial discussion and are to be placed on the warrant for the upcoming March Town Meeting. Given the significance of the proposed amendments, what is the rationale of both the Planning Board and the Board of Selectmen for moving the proposed amendments so quickly?
  - a. What current data does the Planning Board have to support the proposed amendments that will benefit Warner?
  - b. The proposed changes may benefit certain property owners but overall will adversely affect a majority of property owners in the town of Warner.
  - c. Any additional tax income that could result from these amendments could be minimum compared to the potential burden to town provided services.
  - d. We’re in the middle of a pandemic which has turned everything in our lives upside down. The town should hold action items pertaining to any critical changes, which include any new funding proposals until normal activities can be resumed. In other words “status quo”. Give residents a break and hold the line on taxes.
  - e. Holding a “virtual” hearing places Warner residents who may not have the ability (nor want) to attend meetings via Zoom at a disadvantage. Hearings should be deferred until public meetings can be resumed.
  - f. Notification of these proposed changes has been limited because the town office, which is the primary location where notices are posted, is closed to public access. In the past electronic messaging boards have been placed on Main Street for announcing important hearings; why hasn’t the same been used for this hearing?

### **Amendment A – Article XIV-A Workforce Housing**

*From the minutes of the 1/4/2021 meeting:*

*Chairman Frost said he reviewed the Town’s provisions regarding Workforce Housing, XIV-A Zoning Ordinance. He said some parts don’t make sense, some don’t match the State statutes, and that, taken as a whole, **the current provisions do not fully meet the Town’s legal requirements. He offered changes that would correct problems and simplify the language in the Ordinance.** He led the Board through a draft of his changes, indicating that some are minor and others that are more substantive.*

1. Surely Warner is not the only town in NH not fully meeting the state's legal requirements. Is the board able to identify the towns who share Warner's status? How are surrounding towns addressing these issues? Has the state imposed penalties on Warner and other towns?
2. The Warner Planning Board has a responsibility to protect the rights of all Warner property owners. The Chair of the Planning Board also serves as Director of Legal & Public Affairs at NH Housing Finance Authority and who has drafted the proposed amendments. How does the chair reconcile the conflict of interest of drafting these amendments, which advocates a state agency housing policy initiative while remaining impartial to the responsibility to all residents of Warner?

### **Amendment B – Article XIV-B Standards for Accessory Apartments**

*From the minutes of the 1/4/2021 meeting:*

*Barb Marty presented some additional information about changes that could be considered for an amendment to the Accessory Apartment application for a single family home: parking should be provided for tenants; no new curb cuts allowed for separate driveways; the addition should be designed so that the external appearance of the building remains the same (single family house); and any separate entrance to be on the side of the building. Marty said that some New Hampshire towns require a residence of at least 30 days to guard against short-term rentals. Chairman Frost said he has some reservations about the short-term rentals provision because some towns are having problems with its enforcement. Several Board members supported the idea of setting aside the short-term rental proposal, and Marty said she would remove it.*

We AGREE with the proposed additions to the Zoning Ordinance **with the exception** of the assessment not to include a provision to prevent short term rentals. This opens the door for “transient” renters and has the potential for “boarding house” type housing. It was stated that some towns have problems with its enforcement. Seriously? Unfortunately, the Board of Selectmen does not exercise their oversight responsibility and enforcement of existing Zoning Ordinances, i.e travel trailers and junk yards.

### **Amendment D – Detached Accessory Apartments – By Petition**

We OPPOSE the amendment!

- 1) What is the motive of the petitioner?
- 2) Current Use Regulations protects the abutters insofar as the detached accessory building has a current use that is not a dwelling, i.e., a garage or a barn.

Amendment D takes away what little abutter protection is in the regulations defining an existing building as a non-dwelling use.

Specifically:

- 1) Does not have to be existing building (and can be new construction);
- 2) No restrictions on the number of new dwellings that can be constructed;
- 3) No set back requirements from abutting properties;
- 4) Why 75 feet from the primary single family dwelling? This is a questionable and arbitrary provision of the amendment;

- 5) Single Family abutters have no legal protection under the law regarding the potential reduction in market value of their property caused by a de facto change of use from single to multi-family;
- 6) Negative impact on the character of “R” residential neighborhoods by “out-of-control”, extensive conversions to multi-family uses.

### **Amendment E – Multi-Family Housing – By Petition**

#### **Definition of the Warner Intervale Overlay District taken from the Town of Warner Zoning Ordinance:**

##### **ARTICLE XI-A**

##### **WARNER INTERVALE OVERLAY DISTRICT INT**

*[Approved March 2005]*

*The Warner Intervale Overlay District encompasses that portion of Warner’s commercial district to the east of and in immediate proximity to Interstate 89 Exit 9, between the Interstate and the intersection of State Route 103 and North Road (REF MAP). **The purpose of the Intervale 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 as an historic New England town, and providing an appropriate entrance to the Village, which lies less than a mile to the south .It is critical that development in this area reflect the character of the town as it has grown and developed for over 200 years, including elements of architecture, scale and setting of buildings and roadways into the landscape, landscaping features, and features that accommodate and encourage non vehicular traffic***

We OPPOSE the proposed amendment specifically in regards to the Intervale Overlay District.

- 1) What is the motive of the petitioner?
- 2) This amendment will dissolve the **character and planning purpose** of the Intervale District?

Why is multi-family housing an appropriate use for the Intervale Overlay District?