



TOWN OF WARNER

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Planning Board Work Session **AGENDA**

Monday, June 17, 2024
Town Hall Lower Meeting Room
7:00 PM

Join Zoom Meeting: https://us02web.zoom.us/j/87061407427 Meeting ID: 870 6140 7427 Passcode: 1234

- I. **OPEN MEETING** and ROLL CALL
- II. **PUBLIC COMMENT**
- III. **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.
- IV. **Continued discussion on Short Term Rentals.**
- V. **CIP** process and timing for 2024.
- VI. **COMMUNICATIONS**
- VII. **PUBLIC COMMENT**
- VIII. **ADJOURN**

Proposed Amendment to Town of Warner, NH Zoning Ordinance

Article III Definitions (AMB's Draft 05/26/2024)

“Dwelling Unit” means a building or portion thereof providing complete independent living facilities for one or more persons as a single housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation. This use shall not include transient occupancies as Hotels, Motels, Lodging Houses, Bed and Breakfast Inns, or Short-Term Rentals.

“Short-Term Rentals” means a dwelling unit operating as a vacation rental where lodging is provided for transient guests for compensation for stays of between one and 30 consecutive nights normally associated with regulated commercial activities such as a Hotel, Motel, Lodging House or Bed and Breakfast Inn.

“Legal Resident” means the person living at a permanent fixed place, domicile, or abode at a specific address to which they intend to return despite temporary absences. The actions of a legal resident include but are not limited to: purchasing, leasing or renting a principal dwelling unit (i.e. a primary house, or apartment), obtaining a resident vehicle registration, placing dependent children in a publicly funded school and registering to vote. RSA 21:6-a, RSA 259:23, RSA 654:1.

Transient Guest, Transient Occupant” means a person who is not a legal resident, i.e. an overnight lodging guest who does not intend to stay for any permanent length of time. Any person who rents a room or suite of rooms for less than 30 consecutive days such as those offered by a Hotel, Motel, Lodging House, Bed and Breakfast Inn, Short-Term Rental or Vacation Rental.

“Bed and Breakfast Inn” means a commercial establishment in a dwelling unit that is occupied by the owner or owner’s agent, several rooms of which are set aside for overnight guests whose accommodations include breakfast.

“Lodging House” means a dwelling unit that is occupied by the owner or owner’s agent where lodging is provided (or which is equipped regularly to provide lodging by prearrangement for definite periods of time) and meals may be provided for compensation for up to 12 individuals. Lodging houses are not open to transient guests, in contradistinction to hotels and motels open to transients.

“Hotel” means a commercial establishment that provides lodging and usually meals and other services for transient guests.

“Motel” means a commercial establishment that provides lodging for transient motorists in rooms having direct access to an open parking space or parking garage that may also provide meals and other services for transient motorists and other paying guests.

Along with the following Use Table amendments...

Proposed Amendment to TABLE 1 - Regulations:

Retail and Services

Uses	R-1	R-2	R-3	B-1	C-1	OC-1	INT	OR
8. Lodging house, Bed and Breakfast Inn	S	S	S	S	S	S		S
Uses	R-1	R-2	R-3	B-1	C-1	OC-1	INT	OR
9. Owner occupied or locally managed Short-Term Rental, vacation rental for transient occupancy of 30 days or less.	S	S	S	S	S	S		S
Uses	R-1	R-2	R-3	B-1	C-1	OC-1	INT	OR
10. Non-owner occupied or locally managed Short-Term Rental, vacation rental for transient occupancy of 30 days or less.	S			S	S			

Document provided by Harry Seidel

City of Portsmouth

“**Dwelling Unit**” is defined as “[a] building or portion thereof providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating cooking and sanitation. *This use shall not be deemed to include such transient occupancies as hotels, motels, rooming or boarding houses.*”

Town of Conway

“**[R]esidential/dwelling unit**” is defined as “[a] single unit providing complete and independent living facilities for one or more persons living as a household, including provisions for living, sleeping, eating, cooking and sanitation.”

Town of Warner

“**Dwelling Unit**” means one or more living or sleeping rooms arranged for the use of one or more individuals living as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

The NH Supreme court in the case of the City of Portsmouth focused on the language that transient use was expressly prohibited in the zone in question. In contrast, the major focus in the Town of Conway was that transient use was not prohibited in the zone in question. The STR in Portsmouth was found to be a prohibited use, while the STR in Conway was found to be a permitted use.