



TOWN OF WARNER

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Planning Board Work Session Minutes

Monday, August 19, 2024

I. OPEN MEETING 6:58 PM

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: Elizabeth Labbe (operating Zoom)

Background

The meeting focused on discussing the process and policy for selling town property, including evaluating properties for sale, involving various town committees, and addressing legal and financial aspects. The goal is to return properties to the tax rolls to generate tax revenue. There was a discussion on the HOP II grant. Also included was a discussion regarding communications from the lawyer, and additional discussions on short term rentals and required definitions.

II. PUBLIC COMMENT

None.

III. Michael Smith Discussion on Land Sale Map 28, Lot 002 and Lot 004-1

Michael Smith explained that there is an existing process and policy for selling town property. He mentioned that the town owns roughly 90 properties, including the library, town hall, and fire station. The town had voted to sell properties to generate tax revenue.

Michael Smith identified 15 properties that could be returned to the tax rolls and about 35 properties that are strong candidates for this. Some properties are large and could be logged for revenue before selling. John contacted the town forester, Tim Hulse, to evaluate two properties. Michael emphasized starting small and not selling all 50 properties at once to avoid complications.

UNAPPROVED - PB MINUTES AUGUST 19, 2024

David asked if the process for selling town property is documented. Michael confirmed it was and offered to send the documents to David. The process involves multiple steps: a resident requests the property, Michael researched it, it goes to the conservation committee, then to the Planning Board, and finally to the Selectboard for a decision.

Michael mentioned that the town does not make much money from selling properties; the goal is to get them back on the tax rolls.

Ian asked about the timing of the vote to sell properties. Michael explained that residents had recently shown interest due to logging and building activities in their neighborhood.

Pier asked if the process includes sealed bids. John confirmed that sealed bids are used for smaller properties, while larger properties might go to auction.

Michael explained that if the town sells a property for more than the tax lien amount, the excess money goes into a holding fund to be returned to the original owner. If the owner cannot be found, the money goes back to the town after three years.

John Leavitt asked if the town could make money on the sale of the property? Michael said the town cannot make money on the property itself but can collect taxes once it is sold and back on the tax rolls. The town can only recover the money owed from taxes and the cost of the sale.

David and John asked about details of the lots on Tom's Pond Lane. Michael said the lots in question are Lot 2 and Lot 4-1. Lot 1, owned by someone who contacted the town, is across the street from these lots. Lot 4 has a house on it.

Harry and David inquired whether the lots were buildable? Lot 2 is not a buildable lot. Under the current non-conforming ordinance, Lot 4 would not be developable because it doesn't have the minimum approach funding required.

John asked Alice Chamberlain asked for Input from the Conservation Committee. Alice said the Conservation Committee has not taken a definitive position yet. They agreed to do a job walk and will discuss it in their next meeting. There is a mix of opinions within the committee.

Pier and John asked if the Town make money if the property value has increased Michael said the town can only recover the amount owed in taxes, not the increased property value. There are no examples found where the town did not take the property for taxes.

Alice Chamberlain, John and Harry wondered about the cost of surveying the property. Michael said the survey costs should be borne by the buyer, not the town. Most deeded properties do not get surveyed when sold unless necessary. The cost of the survey can be added to the sale price.

Barak and Karen asked about the potential taxable income from the properties. Micheal said the potential taxable income from these two properties is about \$1,000 a year. For all properties, it could be 1,000 times 50. One of the properties has 30 acres and could generate good income if subdivided.

Ian and Karen asked about the procedure for selling town-owned properties. Michael said Every property sale goes in front of the conservation committee, the planning board, and the historical committee for input. The select board has the final say.

Barak asked about a proposal to a developer. Michael said the town could investigate this option, but the preference is to get the properties back on the tax roll. There are some large sections in town that could be developed.

UNAPPROVED - PB MINUTES AUGUST 19, 2024

Alice asked about public access to Tom Pond. Michael there may be public access at the south end of Tom Pond, but it hasn't been confirmed. The small 16-foot right-of-way is currently the only known public access.

John had concerns about surveying land before sale. Michael said surveying land before sale is not necessary and could be a financial risk if the property doesn't sell. The deed can stipulate who is responsible for the survey.

IV. Legal Correspondence and Subcommittee/Work Groups.

Karen said legality of non-quorum group discussions outside formal meetings. Stephen Buckley responded that such gatherings would be a direct violation of RSA 91A-A-2. All Planning Board business should only be discussed at meetings.

Karen said the legality of subcommittees working on board items outside formal meetings. Stephen Buckley clarified that any subcommittee created to carry out the public business of the board is also deemed a public body and must comply with notifying the public of subcommittee meetings and permit the public to attend.

David shared concerns about the efficiency of board meetings and the review process. David expressed concerns about the length of meetings and the time taken to review applications. He suggested the idea of a technical review committee to speed up the process.

Karen mentioned that they have already started notifying the board when all documents are available for review and are working on creating packets earlier.

David made a proposal for a technical review committee. David suggested experimenting with the idea of a technical review committee to help the board move more quickly through the checklist and notify applicants of any missing items before the meeting.

Pier said the use of technology to improve processes. Pier suggested that embracing technology could help make the board's processes more efficient.

V. PHASE II HOP GRANT

Karen clarified the role of the Selectboard and Planning Board regarding the HOP grant. The Selectboard is the only body that can decide and apply for the grant. The Planning Board can make recommendations and create subcommittees to work on the grant.

Harry said the nature of the housing problem and involvement of zoning ordinances. The housing problem is tied to ordinances that restrict changes. There is fear and misconception about zoning ordinance changes. Central New Hampshire Regional Planning Commission (CNHRPC or Central Regional Planning) is committed to finishing the housing chapter without additional cost to the town. The selectmen will likely sign a letter of support for HOP grant two.

Harry discussed the creation of subcommittees for the HOP grant. The planning board, assisted by Central Regional Planning, will compare the zoning ordinance's language to the town's objectives. If revisions are needed, the Planning Board will work on them with the help of Central Regional Planning. The process is funded by the grant and aims to facilitate the housing chapter's objectives.

Karen said the need for a housing commission similar to the agricultural commission. A housing commission, like the agricultural commission, would be beneficial. The Selectboard created the agricultural commission and could do the same for a housing commission.

David said public input and addressing concerns about zoning changes. It's important to listen to all public input and address concerns. Divided votes should not result in one side feeling

UNAPPROVED - PB MINUTES AUGUST 19, 2024

marginalized. The Planning Board has done a good job finding middle ground, and the master plan should reflect the entire spectrum of public input.

John said there should be consideration of various housing solutions and public input. The committee has considered various housing solutions and public input. Changes in zoning, such as reducing lot sizes, could help with affordable housing. The current zoning setup does not encourage affordable housing development.

John had concerns about affordable housing and the town's stance on it. The town has concerns about affordable housing.

Karen said we need to be careful with the message that the town 'has to' do something, as not everyone agrees. The survey had 400+ responses, but the town has 3300 residents.

Barak said affordable housing should be for families earning around \$50,000, but they can only afford apartments due to high tax rates.

Karen said previous workforce housing projects required a minimum wage of \$25/hour, which was unaffordable for local workers.

Barak said the HOP grant is in phase two of a four-phase system, with more funding available for infrastructure and workforce housing.

Karen said there is a lot of angst around grants in the town, and public education is crucial to address misconceptions.

Ian said public education is important for understanding the mechanics of the grant, advisory committee, and project goals.

Pier the town's ordinances are very restrictive, preventing property owners from making changes without going through a variance process.

David the Planning Board should handle the next phase of the housing project through its normal public feedback processes.

David Bates made a motion to recommend that the Planning Board apply for the HOP II grant and authorize the Land Use Office to communicate with Central Regional Planning. (*Second?) Discussion: Karen suggested splitting the motion into two separate motions. David amended the motion to recommend that the town apply for the HOP II grant. (Second?). Vote Tally: ? The motion passed.

VI. NOTICES

David Proposed amending the rules of procedure to require 72 hours notice for meetings, instead of the legal 24 hours, to prevent issues with posting agendas. Karen suggested making the notice requirement Thursday when packets go out. Ian supported the 72-hour notice but raised concerns about meetings on different days. Harry discussed the possibility of extra meetings and the need for clear rules. David will write up a proposal for the amendment.

VII. DISCUSSION ON 91-A REQUIREMENTS.

Karen mentioned that this topic is a duplication of the legal correspondence and decided to move on as there was nothing left to discuss.

VIII. CONTINUE THE SHORT-TERM RENTALS (STRs) DISCUSSION

David recalled the previous discussions and definitions adopted for domicile and dwelling unit. Harry emphasized the need to understand the overall objective before defining short-term rentals. Ian provided statistics indicating that short-term rentals (STRs) made up only 2% of

discussions at HAC and were low on the list of needed housing types. Barak mentioned the need to define transient occupancy and discussed the potential use of buildings by agricultural workers. Karen and David agreed on the importance of defining terms before regulating. Ian suggested community engagement to gather input from stakeholders. Harry and Barak discussed the potential economic impact of STRs and the need for more information. David proposed a provisional definition for transient occupancy and suggested gathering data on the quantity and impact of STRs.

David provided the definitions: domicile from RSA 259.23, dwelling unit, and transient occupancy.

Barak Greene made the motion (wording of motion?). Seconded by David Bates. Discussion: Harry asked what a working definition is, and David explained its purpose. Pierre raised a concern about referencing a specific RSA version. David clarified that the definition would not cite the RSA. **Vote Tally:** (?)

Discussion on STRs and potential collaboration with Central Regional Planning. Ian mentioned Mike Tardiff would be at the House Advisory Committee meeting and could provide a quick answer. Karen and Harry discussed the performance of Central Regional Planning. David asked about gathering information on STRs for the next meeting. Ian inquired about who would gather the information. Karen suggested anyone interested could do the legwork.

John suggested sending out definitions and agenda topics. David agreed to send them immediately and mentioned they would be in the minutes.

IX. MISCELLANEOUS - COMMUNICATIONS

- A. Karen confirmed the next meeting date as the 9th.
- B. John Leavitt inquired about quorum requirements for the HAC meeting. John Leavitt asked if a planning board quorum at the HAC meeting constitutes a meeting. Karen confirmed it does and explained the HAC charter requirements.
- C. Harry suggested including helpful resources in the homework assignment.
- D. David agreed to send the definitions and a more thoughtful email later.

X. REPORTS

- A. **Chair Report** - Karen discussed the CIP process and the need for Department Heads to complete their CIPs. David suggested reaching out to department heads to offer help. Harry mentioned the difficulty some department heads have with spreadsheets.
- B. **Selectboard** - Harry explained the cell tower company wants to add more antennas and has requested a building permit. Karen suggested the company should come before the board for review. Harry said they are raising the tower height from 94 feet to 103 feet. Karen and John discussed the implications. David questioned the timeline and urgency.

David suggested reviewing the application and timeline for actions if there are fewer applications. Karen mentioned the urgency of the request. Harry offered to scan and forward the documents. Karen and [Harry] discussed the need for a telecast due to contractual obligations.
- C. **Participation in the Regional Planning Commission.** – Harry mentioned Ag James and Ben Frost's involvement. Karen discussed Janice's inquiry about participation.
- D. **Groundwater Protection Committee** - Karen mentioned the need to address it.

UNAPPROVED - PB MINUTES AUGUST 19, 2024

XI. Housing Advisory Committee - Ian provided an update on the HAC talks and the need for more specificity. David discussed the lack of a process for adopting a Master Plan update and proposed an amendment for public comment. Karen agreed with the proposal. Ian supported the idea of more opportunities for public input.

XII. Public Comment and Adjournment.

Karen called for public comment and adjourned the meeting (time?).

ACTION ITEMS

[] Michael Smith will send the documented process for selling town property to David Bates. -
- *[Michael Smith]* Tomorrow

[] Michael Smith will continue to evaluate properties for sale, starting with smaller properties and involving the conservation committee and planning board in the process. -- *[Michael Smith]*
[Conservation Committee] *[Planning Board]*

[] Michael Smith will work with the town forester, Tim Hulse, to evaluate large properties for logging before selling. -- *[Michael Smith]* *[Tim Hulse]*

[] The Conservation Committee will discuss the lots at their next meeting. -- *[Conservation Committee]*

[] Track down information about public access to Tom's Pond. -- *[Conservation Commission]*
[Mike]

[] Create a standing item for property sales in work group meetings. -- *[Karen]*

[] Notifying the board when all documents are available for review. -- *[Karen]* *[Janice]*

[] Creating packets earlier than the Thursday before the meeting. -- *[Janice]*

[] Experimenting with the idea of a technical review committee. -- *[David]*

[] Ensuring all subcommittee meetings are noticed and open to the public. -- *[Karen]* *[All Board Members]*

[] Selectmen to sign a letter of support for HOP grant two. -- *[Selectmen]* tomorrow

[] Planning board to work with Central New Hampshire Regional Planning to compare zoning ordinances with town objectives and suggest revisions. -- *[Planning Board]* *[Central New Hampshire Regional Planning]*

[] Consideration of creating a housing commission similar to the agricultural commission. --
[Select Board]

[] Recommend that the town apply for the HOP2 grant. -- *[Planning Board]*

[] Write up a proposal for amending the rules of procedure to require 72 hours notice for meetings. -- *[David]*

[] Gather data on the quantity and impact of STRs on housing opportunities by monitoring platforms like Airbnb in surrounding communities. -- *[David]* *[Karen]*

[] Consider community engagement to invite stakeholders to planning board meetings or separate events to share their ideas on STRs. -- *[Ian]*

[] David will send out an email with the three definitions and the topic for the agenda for the next meeting. -- *[David]*

[] Karen will send a follow-up email to department heads asking how the board can assist with their CIPs. -- *[Karen]*

[] The cell tower company should come before the board for review of the additional antennas. -- *[Cell tower company]*

[] Review the tower height increase request and determine if it can go up another 15 feet. --
[Planning board]

[] Draft an amendment for the Master Plan update process to include six public comment periods before the board votes. -- *[David]*

[] Continue talks at HAC and provide more specificity in recommendations. -- *[Ian]* Thursday