

**Town of Warner – Planning Board
Work Session Minutes
Monday, July 20, 2009 7:00 PM
Warner Town Hall, Lower Level**

Members Present: Barbara Annis, Paul Violette, Hank Duhamel, David Hartman, Rick Davies, Ed Mical
Members Excused: Dan Watts
Members Absent: None
Members Late: None
Alternates Present: Peter Wyman (voting for Dan Watts)
Alternates Excused: None
Alternates Absent: Harold French
Presiding: Barbara Annis
Recording: Jean Lightfoot

Open Meeting at 7:00 PM

Roll Call

Ms. Annis opened the meeting at 7:00 p.m. The roll call was taken. Ms. Annis asked Mr. Wyman to sit and vote for Mr. Watts.

1. ENERGY COMMITTEE – HANK DUHAMEL, CLYDE CARSON

Ms. Annis recognized Clyde Carson, who was representing the Energy Committee. Mr. Carson said he had hoped one other person would be there but they could not make it. Ms. Annis said that the Planning Board had asked the Energy Committee to look at the State law as it is now and offer suggestions and comments in regard to the Town's Ordinance and regulations. Mr. Carson said that the Energy Committee went to a meeting in Concord that was put on for a State Municipal Energy Committee and there were about 300 people at that meeting representing energy committees from around the State. He said that a lot of towns are looking at building into their Master Plans a chapter on Energy. He said that the Committee thought it should be considered in Warner, as well. He said that their concern is that they have a small committee and want to be sure they don't bite off more than they can chew. He said they had sent a list of things that they thought they could do and the response from the Planning Board was to ask the Committee to look at areas in the existing Zoning where we have things that might be in conflict with green energy and the other area would be areas in which we might offer incentives and tradeoffs in terms of the Building Code to achieve some green efficiencies. He said that for the next meeting, they will have each gone through the existing Zoning Ordinance and then come back to the Planning Board with areas that they think might be changed or that might be in conflict with green energy. He said that next meeting on August 6 will be when they will be going over those items and will then be prepared to report back to the Planning Board.

Mr. Duhamel said that the members will be hitting the various websites looking at, for example, windmills. He said that that information would be transferred to the Planning Board Office so they will be available in one place. He said that will be beneficial to the Town. Mr. Carson said that the only RSA right now that relates to Zoning has to do with wind generation. He said that as a group they will look at other towns and see if they have energy chapters in their Master Plans or if they have ordinances that relate to green technologies. He said the first thing would be to look at the existing Zoning in Warner and note where there may be conflicts and changes might be considered. Ms. Annis asked if the only energy-related statute in the State RSAs relates to wind. Mr. Carson said yes, that's all they could find. Mr. Hartman said he thought that solar was mentioned, as well, because the Town adopted a property tax incentive for wind and solar a couple of years ago and that was based on a State statute. Mr. Carson said they were looking at it from a Zoning perspective, not for tax incentives. Mr. Violette said that he believes that there has been one inquiry only on wind generation to the Planning Board Office. He said that there will be an energy section in the Master Plan and he said he would want the Energy Committee to draft that. He said that the final draft would be with the

Master Plan Committee because they not only have to look in the near future, but they have to look ahead and relate to all segments of the Master Plan. He said that Vanessa Bittermann was there from Central New Hampshire Regional Planning (CNHRPC) who is working with them on the Master Plan. He said that they are beginning Phase II and he hoped that the Energy Committee would be able to put things in writing as part of that. Mr. Carson asked about timing. Mr. Violette said that they are considering that Phase II will be one year and Phase III, the final one, will be about 6 months. Ms. Annis said that there are deadlines for Town Meeting. Mr. Carson said that they have learned that what is said in the Master Plan about energy can have a positive impact on the town in terms of when companies are looking to relocate to a town and try to find towns that are supportive rather than raise barriers for coming into town. Mr. Violette said that Ms. Bittermann is in touch regularly with the 20 towns in the Central NH Region so she gets feedback from those towns on what they are doing. Ms. Bittermann said that Antrim has adopted an energy chapter in their Master Plan. She then handed out some resources from the Rockingham Planning Commission's Regional Plan which related to energy plans.

Mr. Duhamel said that he would like to look at the bigger picture in trying to encourage building green. He said if that was going to make the cost of building a house prohibitive, then that would have to be dealt with. He said, on the other hand, if it could be used as a tool to encourage businesses to come into Warner, if there were some type of incentive program in place, then it would be better. He said, for example, to go with a large enough solar panel system to do your whole house for a year, the cost would be prohibitive. However, he said if that space on the roof could be used just for hot water, which is very cost effective and might be something to suggest because the payback is much quicker. Mr. Violette asked if Mr. Carson foresees any mandates as opposed to incentives. Mr. Carson replied that he does not know. Mr. Violette said that there is also the need to review the Site Plan Review Regulations for the same types of things that they will be looking at the Zoning Ordinance for. Ms. Annis added that the regulations can be updated at any time. Mr. Duhamel said that the height of a tower, for example, would come under the Site Plan Review.

Ms. Annis said that even if the Master Plan is finalized and adopted, it may be continuously updated as things become available. She said it is recommended that the Master Plan be updated every 5 years and a maximum of 10 years. She said that it should be continuous, however, as things are available. She said that the only deadline is the Zoning Ordinance that must come before Town Meeting. Mr. Carson asked if they proceed with a review of the Zoning Ordinance and the Site Plan Review Regulations if that is enough to get things going. Ms. Annis said yes.

Mr. Violette said that if there are any ordinances or regulations that are proposed for changes, then those will have to go before a public hearing. Mr. Davies said that the Town of Hampton had prepared two pages that he got from their website; one was on wind generation and one on solar. He gave his copies of the pages to Mr. Carson so the Energy Committee could see what types of issues the Planning Board must deal with. There was a general discussion about wind and solar power generation.

Mr. Carson said their next step will be to meet on what their thoughts are on the existing Zoning Ordinance and regulations and then get together with the Planning Board on August 17. He thanked the Board and left.

2. HEIGHT, AREA REGULATIONS – PAUL VIOLETTE, HAROLD FRENCH, HANK DUHAMEL

Ms. Annis asked Mr. Violette to review the proposals. The draft proposal that was handed out read as follows:

ARTICLE IV – GENERAL PROVISIONS – Page 6 & 7

Height Regulations: *No structure shall exceed 45 feet in height in any district; and all new commercial or business structures shall be constructed with adequate fire protection, detection; suppression systems; and construction materials and standards that meet the requirements of the Chief Officer of The Warner Fire Department or his designated Inspector and all building codes and regulations in effect at the time of construction. Adequate systems required are, but not limited to: water sprinkler systems; chemical extinguishing systems; fully-monitored and supervised fire detection*

and alarm systems; and building material specification and installation. New additions to existing commercial and business structures shall also meet the same requirements as above. Decorative roof structures; facades; cupolas; chimneys; spires; and mechanical devices, such as, but not limited to: air conditioning or heat pump units; are not included as part of the height 45 foot limitation.

The Board may authorize a "Special Exception" to the height regulations in any district if:

- 1. All front, side and rear yard depths are increased one foot for each additional foot of height.*

Leave paragraph 2. in place.

Mr. Violette said that one of the things that came out of the survey from last year in conjunction with the Master Plan was to look at some of the areas that seem to be more restrictive to commercial growth. He said that the goal was to look at those today to see what could be considered to be changed that might encourage a little more growth in those commercial areas, or, at least, not restrict it quite as much. He said that the Zoning Board had also communicated that they would like to see the Planning Board consider making a few changes related to commercial areas. He said the current height restriction is 35 feet and the proposal is to change it to 45 feet with some suggested language. He said that he had spent some time talking with the Fire Chief and looking at some of the life safety issues as well as construction. He said that this is a first draft attempt to try to get some wording in the Ordinance that would support this goal. He said it would make it a requirement for new construction to have standards that are met and adequate systems for fire protection and fire suppression. He said that one of the other thoughts they had was where the cut-off should be. He said that this actually says that the 35 feet will be for where people actually reside. He said that cupolas, spires, chimneys, mechanical devices and facades are not covered in the 35 feet. He said that these types of things are ripe for pushing people into a variance situation. In addition, he said that they would keep the front, side and rear yard depths that would increase one foot for each additional foot of height and leave paragraph 2 in place which relates to specific types of structures like towers, chimneys, etc.

Mr. Hartman asked why the height increase is suggested to be applied to any district. Mr. Violette said that is where they decided to start and have not picked one district vs. another yet. He said that he could see increasing it in at least the B-1 and C-1 districts where it would be the first ones to think about. He said that didn't spend a lot of time defining where this might be applied yet. Ms. Annis asked what building in town is 45 feet high now. She asked how high the Town Hall is, for example. There was a discussion about the height of the Town Hall and it was agreed that at the ridge it is probably over 35 feet. Mr. Violette said that there were a number of buildings that were 35 feet – he named Warner Power, for example. There was a discussion about how if the limit is 35 feet, you cannot get 3 floors in that dimension because you have to count the roof, too. Mr. Violette said that 45 feet would allow for three floors and then have the roof be above that, whether it is pitched or flat. There was discussion about the space needed between floors and how in a commercial building, you need more space between floors because of the construction code requirements.

Mr. Davies asked if, as the Height Regulations develop, paragraph 2 would be dove-tailed with the previous paragraph. Mr. Violette said yes. He added that this is a draft and he said that they were thinking about this applying primarily to the B-1 and C-1 districts. Mr. Hartman said that the height allowance is able to be increased by Special Exception now and he said he thought that a windmill should be included in paragraph 2, as well. Mr. Wyman said that you still have to go for the Special Exception, which adds an extra step to the process. Mr. Hartman asked if there is a "groundswell of enthusiasm" for raising the standard height limitation to 45 feet throughout Warner. Mr. Violette said that he has had a lot of people support it and primarily because of the hotel. Mr. Hartman said that is in one particular zone. Mr. Violette agreed. He said as far as the residential area goes, he has not heard support for that. He said that more of the discussion has been in the C-1 zone. He said that they had not segregated it into zones, but it should be considered. Mr. Duhamel asked if the height considerations might be tabled until the workforce housing issue has been considered because there could be 3 deckers proposed in a residential area. There was a discussion about what should be included in the height measurement, including how a pitched roof may make a building over the 35 feet, but it could still be very attractive. Mr. Davies said one way to consider this is to define the

height on a pitched roof as the average between the peak and the eaves. He said this might work well within a residential district, where you keep the 35 feet but use the average for a pitched roof. He said the workforce housing may have a 2-3 story building that is a traditional New England building that might have 5 or 8 units and build it so it fits within the ordinance without requiring a Special Exception or a Variance.

Mr. Davies said that the last four lines in the proposal are really code-related and are spelled out in the IBC. He asked if it really needs to be there. Mr. Violette said that they were included in the draft just to be sure that they were discussed. Mr. Davies said that during the visioning session, Chief Brown said that the reason the 35 feet was in there in the first place is because that was the length of the longest ladder for fire fighting. There was a short discussion of the history of how this was developed. Ms. Annis said she liked having the explanation in the Ordinance. Mr. Davies said he was hesitant about putting any Code things in the Ordinance, but perhaps there could be some rationale included. He said that the Code things can change from year to year, so the Ordinance would potentially have to change from year to year. Mr. Violette said he had put them in because they were discussed with Chief Brown and what he expects in a building today.

There was a discussion about the height of the Martin Building. Mr. Mical said that when the roof work was done on that building, they had a 42-foot ladder and that got them to the roof line. Mr. Davies asked if the word structures should be changed to buildings. Mr. Violette agreed that it should be buildings. There was a short discussion about fire protection and how much was necessary to be mandated.

Ms. Annis said that the definition of height would have to be addressed, too. Mr. Violette agreed and said that page 3 would have to be changed. He said that he proposes to do a re-draft after the discussion tonight. Ms. Annis said that is also one reason to have a public hearing in December so if there are changes to be made, they can be revised and have another hearing in January in time to get it on the Warrant.

Mr. Davies asked about air conditioning units and heat pumps on the roof not being included in the height of the building. He commented that cooling towers can be very high and a discussion followed about this issue and how it relates to the character of the town considerations that are necessary. Mr. Wyman commented that a cooling tower does not have to be on top of a building – it can be built beside it to better fit the character of the area. Mr. Violette suggested that they may look at how other towns handle this issue. Mr. Wyman asked if a height restriction could be made for putting something on top of the building that was, say, ten feet additional on top for additional equipment. He said that would cover most of the mechanical things, but you would not have to worry about someone putting a radio antenna or a high cooling tower.

Mr. Hartman said he thinks that the whole first paragraph and number 2 are confusing because there is duplication of specific things. Mr. Violette agreed that they do not need to be duplicated and the attempt in the draft was to bring those forward for discussion, knowing that there would be further changes going forward.

3. AREA B-1 SHOPS, ETC. – PAUL VIOLETTE, HAROLD FRENCH

Mr. Violette continued the discussion with the following proposal:

ARTICLE X -- BUSINESS DISTRICT B-1 - Page 14

F. Change to read: The maximum gross floor area for shops, restaurants, and other retail establishments shall be 6,000 for new construction. Existing structures may be expanded to include a total of 6,000 square feet.

He said that they had looked at various businesses in the area and what the square footage was in their buildings in the commercial and business zones. He said that currently, for B-1, the limit is 2,000 square feet for new construction. He said that existing structures may be expanded by a maximum of 1,000 square feet. He said there was a lot of feedback on this at the visioning sessions. He said that he has also had people talk with him about the limitations and thought it should be increased some. He said for draft purposes, they

have proposed 6,000 square feet and allow expansion up to a total of 6,000 square feet in the B-1 district. He said that the business district is primarily restaurants and other retail establishments. He said the medical building which was formerly Cricenti's Super Market which does not include the coffee shop but does include therapy totals 6,282 square feet. He said the medical building is 4,464 and therapy is 1,818. He said the Telephone Museum is 3,958 square feet. He said this includes one floor and then a basement where the Firefighters' Museum is. He said they were trying to get a size that seemed reasonable for the area.

There was a discussion about whether 6,000 square feet would make sense, given that it was generally agreed that 2,000 square feet was small for a retail store that might want to come into the area. Ms. Annis pointed out that there is a restriction that only 70% of a lot may be developed and that includes building and parking. Mr. Davies asked why there is not just a reference to the Use Tables instead of listing every type of business. Mr. Violette agreed that it would be a good idea to reference the Use Tables. Mr. Davies suggested that structures be changed to the word buildings in this section, too. Mr. Violette agreed. There was a discussion about how to maintain the small village appearance as buildings are added and developed. It was agreed that in the Site Plan Review, this would be addressed.

Next, Mr. Violette addressed the following proposal:

ARTICLE XI – COMMERCIAL DISTRICT C-1 - Page 15

F. Change to read: The maximum gross floor area for shops, restaurants, and other retail and service establishments shall be 80,000 square feet. Where more gross floor area is required, multiple buildings may be grouped on the same lot up to a maximum of 120,000 square feet.

H. Page 17: Remove this item entirely.

He said that paragraph F would be the same wording as the current ordinance, except the figures would change. He said that currently it reads 20,000 square feet up to a maximum of 40,000 on the same lot. He said that you cannot have a building that is larger than 20,000 but you may have two buildings of 20,000 each. Ms. Annis asked why they continued to use gross floor area rather than looking at the footprint. She said there was a lot of talk about a footprint no bigger than something. She said with that you could go up three stories because of your height restrictions, but you still couldn't have a big box store by having a footprint that was restricted to so many square feet. Mr. Violette said it was a matter of getting something on the table for discussion. He said that Market Basket has 52,000 square feet, and Aubuchon's is 8,400 square feet. So, he said, that complex is 60,000 square feet. He said that Knoxland is 13,600; Milton Cat is 9,165; Warner Power has one segment that is 24,000 and another that is 26,000, with two others of 11,000 and 7,000. He said that the Town of Warner Highway Garage is 11,160 square feet.

Mr. Violette said that footprint vs. gross floor area is something that needs to be discussed. He said that when the gross floor area was being discussed, the concern that was expressed was the fear of a "big box" store. He said that even at 80,000 square feet, it will not be large enough for a Home Depot or a Lowe's. He said that these numbers have been put in for discussion. There was a discussion about the College and the size of some of their buildings and how they are set back and fit in nicely with the character of the town. Mr. Duhamel said that part of what is trying to be done is to not stifle an architect by crowding ideas into a little box. Mr. Mical added that he thought that what the voters are apt to approve needs to be considered, as well. Mr. Davies agreed and said that that's another reason to put in an explanation or rationale behind the proposed changes so people will understand the purpose and hopefully agree. He referred to the term "measurable incentives" which would be explained as they are added to the Ordinance so people could understand why something was being changed or added.

Mr. Davies asked if there is a downsize limit to the number of buildings allowed on a lot. Mr. Violette agreed that that needs to be addressed and wondered if there is a good way to write that, considering how the college is laid out and if that could be applied to the C-1 district. There was a discussion about how multi-buildings may be developed in the C-1 district and still maintain the character of the town. Ms. Annis asked

about putting a minimum distance that there must be between multiple buildings on one lot. Mr. Davies said he thought that the IBC would dictate some of that. Ms. Annis said this is what she and Mr. Wyman are looking at and it is included here. There was a short discussion about this, including concepts that had come from the Charrette.

Mr. Violette said that the discussion should continue. He said that the input that has been received is that 20,000 square feet is not big enough for a business in the C-1 district. He said that they are trying to get a balance of what would generate more taxes vs. protection of the town's character. There was a discussion about different businesses and the job creation possibilities in addition to the increased tax potential. Mr. Hartman wondered where, except at Exit 7, there are lots large enough to accommodate buildings of 80,000 to 120,000 square feet, reasoning that the lots at Exit 9 would not accommodate buildings that are that large and still fit within the 70% developable limitation. Mr. Violette said he was thinking of the Exit 7 area. Mr. Wyman said that the area where the hotel would have gone is 2-1/2 acres and that would accommodate an 80,000 square foot building.

There was a discussion about possible development along the river near Exit 7 and the history of how the lines were drawn. Mr. Violette said the next proposal related to the Davisville Commercial District and read as follows:

ZONING DISTRICTS – C-1 Map

Enlarge the area of the C-1 District in the NH Route 103 East and Exit 7 area to include a portion of the adjoining land currently designated OC-1. Described as the land adjacent to the portion of C-1 on the northerly side of NH Route 103 East and to the east side of Interstate 89 (I-89); and also running adjacent the Warner River, then southerly to the make a straight line connecting to the existing C-1 Zone line.

Mr. Violette said that the proposal is to expand into where David Herrick owns. Mr. Hartman commented that the area behind the flea market is not a conservation zone. Mr. Violette said they had been trying to think about what the opportunities might be without encroaching on any existing residential areas. Mr. Hartman said that he thinks that is the kind of area that would be appropriate for a 120,000 square foot building. He said he does not think it is appropriate in the Exit 9 area. There was a discussion about adding another type of district, making one a C-1 and the other C-2 because they have different purposes.

The discussion continued about Exit 9 and expanding the 20,000 square footage. The member generally agreed that 80,000 square feet was too large for the Exit 9 area. Ms. Annis said that she thought that the term should be footprint rather than gross floor area and that would address the "big box" concerns.

Mr. Violette said that item H on page 17 that is proposed to be removed refers to the construction of fast foods or drive-ins within 2000 feet of each other. He said that it is prohibitive. He said that if a Dunkin Donuts were built by the bus garage, then someone wanted to put a KFC, say, it would have to be way down the road and nearly at the other end of the district. He said you might be able to squeeze a couple in, but that would be all. He said that with these limitations, it is pretty likely that there may be no other fast food places put in at Exit 9 because the 2000 feet would go beyond the limits of the C-1 district from McDonalds. It was agreed that that was most likely the intent. He said they would like to have this reconsidered. Mr. Davies said he is concerned from a Zoning Board perspective about this issue because another business coming in could potentially say that the town is being unreasonable with this restriction. Ms. Annis said that she agreed that it should be removed. There was a discussion about how Exit 9 has become an oasis, a stopping point for people traveling on I-89. Mr. Davies noted that the concern was that there would be drive-in after drive-in, and he said he had no answer for that. Mr. Violette said that they would still have to meet all the requirements for the lots on which they propose to put their business. He said that it seems that the intent was to not allow anymore fast food or drive-in restaurants in town. There was a short discussion about possibly changing the distance limitation to address the issue. Finally, Mr. Violette moved onto the Sign Regulations as follows:

A. 5. *Temporary Signs - Remove current regulations and insert: "Temporary signs may be permitted in any district under rules established, adopted and administered by the Selectmen's Office".*

He said that there was a lot of feedback on temporary signs. He said that there have been requests to leave the issue up to the Selectmen's Office to establish some regulations about temporary signs. Mr. Hartman said he wondered if it would be good to hand over all sign regulation over to the Selectmen's Office. There was a discussion about this and it was decided that because permanent signs are part of the Site Plan Review, then that would not be appropriate to hand over to the Selectmen's Office. Mr. Hartman said that the temporary sign ordinance is very specific and refers to real estate signs that are temporary or "I'm building this building" sign. He said that it has nothing to do with all other temporary signs. He said that it is only about building or selling a house. There was a discussion about various small signs around town and whether or not they should be regulated at all. Ms. Annis suggested changing number 5 to read, "All temporary signs are referred to the Selectmen's Office." Mr. Davies said he would like to set some parameters on temporary signs and say that so long as something is within those parameters, the Selectmen will deal with temporary signs. He agreed that the permanent signs should stay as they are. Mr. Violette said that this would be one issue that he would remove from consideration for this year if need be. Mr. Hartman agreed.

4. MISCELLANEOUS

Mr. Duhamel talked about the rotary that has been added in New London and whether or not islands are necessary for traffic control at the Market Basket Plaza. There was a short discussion about roundabouts and how they work.

Mr. Duhamel asked about a presentation by Ben Frost on Workforce Housing that is scheduled for Bradford on July 29. It was noted that this is what was also scheduled for Dunbarton.

Mr. Violette mentioned that on the CNHRPC website he noted there is an area on residential renewable energy systems where rebates are available from the NH PUC for up to \$6,000 for installation of these systems. He noted that Sharon Wason is no longer with the CNHRPC and Michael Tardiff is the temporary director.

5. MULTIPLE BUILDINGS ON THE SAME LOT – BARBARA ANNIS, PETER WYMAN

Mr. Wyman said that the area and height would go hand in hand with this, and, since they did not know in which direction the other team was going, they decided to not propose anything. He said that they did discuss footprints and the area between buildings, but could propose nothing until the area and height proposals were addressed. He asked if there was agreement that they are the same. After a short discussion, the members did agree, so it was agreed to place this with the area and height group. Ms. Annis said that this would not apply to residential since you cannot put two residences on the same lot.

6. WORK FORCE HOUSING – RICK DAVIES

Mr. Davies had prepared the following draft on his research on Work Force Housing:

The following is a suggested outline which could be developed into a Zoning Ordinance Warrant Article. The towns with such ordinances follow the RSA closely for purpose definitions, procedures, rules, etc... Each uses the incentives and the areas affected differently:

Suggest - Adding new section to Zoning Ordinance – XIV-A: Workforce Housing Overlay District

1. Purpose, Authority & Applicability – Proposed under RSA 674:58-61, comply with Master Plan.

- a. *All citizens of the state benefit from a balanced supply of housing which is affordable to persons and families of low and moderate income. Establishment of housing which is decent, safe, sanitary and affordable to low and moderate income persons and families is in the best interests of each community and the state of New Hampshire, and serves a vital public need. Opportunity for development of such housing shall not be prohibited or unreasonably discouraged by use of municipal planning and zoning powers or be unreasonable interpretation of such powers.*
2. *New definitions (Affordable, Multi-family housing, Reasonable and realistic Opportunity...., WFH Owned, WFH Rented, Area median Income, Market Rated Housing) – this is from the RSA.*
3. *List how determination of value is determined (currently \$225,000 to purchase & ____ to Rent)*
4. *Overlay District for Workforce Housing (WFH) – RSA requires a majority (51%) of land zoned residential to be eligible*
 - a. *Set up overlay map – suggestion to include most accessible areas*
 - b. *Total Town area is 35,502 acres*
 - c. *R1 is 349 acres, R2 is 2688 acres, R3 is 7,917 acres, B1 is 26 acres, C1 is 732 acres (total = 11,712 33%) – note B1 & C1 would need changing from special exception for the overlay*
 - d. *OC1 & OR1 make up 67% of Town area*
 - e. *6,039 acres needed from OC1 & OR1*
5. *Within the WFH district – set up permitted Types of residences by Zone*
 - a. *Single family in all districts*
 - b. *Manufactured housing in all districts*
 - c. *Two-family housing in all districts*
 - d. *Multi-family housing in R1 & C1; and in B1 under special exception (multi-family not required by RSA to be in all WFH districts). May have up to 5 units in a building.*
6. *Set up structure standards*
 - a. *Density in a development must be at least 20% WFH to qualify*
 - b. *Development must be eligible for review as an open space development*
 - c. *Number of bedrooms in WFH units as % of development's units*
 - d. *Units shall be suitable for housing*
 - e. *Manufactured and multifamily meeting code*
 - f. *Architectural compatibility of WFH units with respect to market rate units in a development*
 - g. *Houses up to 1300 SF*
 - h. *Phasing of market rate and WFH in a development*
7. *Incentives: If regulations are proven to produce a cost prohibitive project then the Planning Board may consider: (consider to have actual numbers or up to the PB)*
 - a. *Encourage near existing infrastructure*
 - b. *Road frontage reduction*
 - c. *Lot size reduction*
 - d. *Density increase*
 - e. *Setback reduction*
 - f. *Open space reduction*
 - g. *Waiver of application fees except direct expenses*
 - h. *This section of the Ordinance governs over conflicts in this paragraph*
 - i. *Others????*
8. *Assurance of Continued Affordability*
 - a. *Meet required definition (need to add to definition section) for WFH*
 - b. *Binding agreement from developer (time limit ?30 yrs)*
 - c. *Families must qualify*
 - d. *Produce tax returns providing qualifications*
 - e. *Annual reports for renters*
 - f. *Restrictions indicated on plans*
9. *Requirements of the WFH development with Multi-Family Housing:*
 - a. *Landscaped buffer of 100 feet around perimeter of the project.*
 - b. *Have direct access to a paved street*
 - c. *Be served by public water and sewer (?? difficult in Warner)*

- d. *Shall comply with all ZO, SPR and SDR other than standard relaxed in section (above)*
 - e. *Minimum lot size shall comply with NHDES minimum lot size based on soil type and slope.*
10. *Procedure*
- a. *Applicant submits written statement for WFH under RSA – 10 days in advance per RSA*
 - b. *Procedure to produce written cost listing and identification of cost savings from incentive related items*
 - c. *Conditional Use Permit criteria set up*
 - d. *If conditions set by the PB, must give developer time to establish cost to comply and effect on project's financial viability. Can be appealed – set up procedure.*
 - e. *Applicant can then appeal to Supreme Court per RSA with mandatory hearing within 6 months. If developer wins, court can order negotiations in good faith.*
11. *Limitations on improvements – restriction – costs added into future value to keep within guidelines*
12. *Monitoring & administration:*
- a. *Project administered by the Board of Selectmen*
 - b. *No certificate of occupancy without written confirmation of eligibility*
 - c. *Ongoing monitor compliance by BOS or their designee*
 - d. *Annual reports by Owners that they continue to comply income and affordability*
13. *Relationship to other ordinances and regulations. No portion of this ordinance shall nullify the provisions of any other town ordinance provisions which relate to environmental protection, water supply, sanitary disposal traffic safety, and fire and life safety protection. Where workforce housing applicants propose a development of single family homes or mixed single family and multi-family homes, all provisions of the subdivision and site plan regulations shall apply unless waived by the Planning Board. Where workforce housing applicants propose a development of multi-family units or mixed commercial and multi-family units, the site plan regulations shall apply unless waived by the Planning Board.*
- a. *Conflict. If any provision of this ordinance is in conflict with the provisions of other ordinances, the more restrictive provision shall apply, except for any provision relating to lot size, setbacks, or density, in which case the provisions of this ordinance shall apply.*

Mr. Davies said that the difference between Work Force Housing and affordable housing is that Work Force Housing has an RSA attached to it and it is the law. He reviewed each item above. He said there are two different areas included: paragraphs 1, 2, 3, 8, 10, 11, 12 and 13 are procedural things that are alluded to in the RSA. He said that once we agree to what requirements we should have in Warner, those are the procedures that should be followed. He said that the others, paragraphs 4, 5, 6, 7, and 9 are about how the Town of Warner wants to interpret what the flex is that we are required to give to the developer. He read the handout. He said it is the law. He said that he understood that there are some people who think that Warner does not have a problem with the fairness issue. But, he said, Ben Frost said that it was important for each town to set up something that would specifically address the requirements of the RSA and have it in place. He said that, especially with the recession and the wage rates, the average might go down.

Mr. Violette asked what this would do with the Ordinance section about manufactured housing. Mr. Davies said he read over New London's provisions and Atkinson's provisions. He said that manufactured housing is mentioned in 6.e. and that was something that was taken from another town's provisions. He said that the things in 4, 5, 6 and 7 are things that other towns have come up with. He said that it has to be made available in 50% of the district area that is zoned residential. He said that it's basically R-1, R-2, and R-3. He said with those we are only a third of the way there. He said that OC-1 and/or OR-1 must also have a substantial portion developed for that. He said it would be a challenge to map it out and exclude certain areas from this. Mr. Violette suggested having an overlay that would include 51%. Mr. Davies said that New London has done that but he did not know what the criteria. He said he tried to do that with Warner, and it was not easy. Mr. Violette asked if, under the statute, you could exclude the State Parks. Mr. Davies said it does not say that. Mr. Duhamel said that if he could not build on someplace, then no one else can. So, he asked why it wouldn't be excluded. Mr. Davies said it is excludible so long as it is reasonable and he thought it would be reasonable to exclude a State Park and State Forest. Mr. Davies said that it has to be at least 50% of the area and the State Park is in a residentially zoned area. He added that we could also say that everything is open. Mr. Duhamel said that he didn't think that you would want to include every place. Mr.

Wyman asked if \$225,000 is the magic number. Mr. Davies said that he found that number on a table that Sharon Wason had referred him to, but he said he has not corroborate that it is a good number. He said that it is actually \$224,000. He said that the point is that it is not a value thing – it comes down to a developer coming in and saying it applies to them, they want to do work force housing, they present their credentials, they present their plan and by RSA 674:58-61, the Town has to allow them to do it. He said if there are no parameters, then they can do what they interpret they need to do to set up their work force housing. He said if there are parameters, then the Town can help direct them to certain areas where we might give them incentives to develop. He said the first thing that always comes up is that you want them to develop where there's infrastructure, i.e. water and sewer. He said we do not have coverage for water and sewer in 51% of the residential area, so that is a challenge.

Mr. Duhamel asked for clarification about what the definition of a manufactured home is. There was some discussion and Mr. Wyman explained that a manufactured home is one that comes on a frame with wheels and the frame is not removed. He said that a modular home is one that is set on a foundation and removed from the frame that it is delivered on.

Mr. Davies said that his thought is that we should either do nothing or write a 3- or 4-page ordinance for work force housing. He said it would probably be a similar format to what he has written. He said for paragraph 4, we need to do an overlay map. Ms. Annis suggested that when people go to Ben Frost's presentation in Bradford on Tuesday they ask him if state-owned property and conservation easements in the total area for this calculation.

Mr. Davies wondered if multi-family housing should be written in as allowable in R-1, C-1 and B-1 for the work force housing or should they be left as allowable with a Special Exception. He said if it is decided to leave that as it is, then he did not think the area could be counted in the 51%, although it is quite small.

Mr. Wyman pointed out that a \$225,000 brand-new, stick-built house is about a 1500 square foot house, and it could be less than that with land. There was a discussion about how the house would actually be smaller because Mr. Wyman said he had not included the land in that cost.

Mr. Hartman asked if we need to shoot for a target of numbers of people who are in work force housing. Mr. Davies replied that the law says "fair share" and it is unclear how that is to be calculated. There was a discussion about this issue and it was thought that there needs to be a count of what houses currently qualify as work force housing and there needs to be a calculation of what the average value of the homes in Warner are now. Mr. Davies said that when he asked Ben Frost about why Warner would need to write an ordinance since it appears that it might have enough work force housing already – he said that Mr. Frost replied that it was important since you do not know how things will change in the future. Mr. Violette wondered how many houses in town are currently below the \$225,000 level and asked if it constitutes more than 51%, then perhaps there would be no need to write a special ordinance right now. There was a discussion about whether or not to think about writing an ordinance now and what types of restrictions might be considered if it were to be written. There was concern about what lowering various zoning requirements will do to the values of the properties nearby. It was agreed that all these things need to be considered if the ordinance is written. There was a discussion about the income requirements and annual verification. Mr. Duhamel said that he thinks this results in no incentive for people to work themselves up and make more money because then they would have to move. Mr. Davies said that the RSA does not allow the homes to be increased in size because it would remove them from the work force housing classification.

Ms. Annis asked where people would go to apply for the work force housing. Mr. Davies said it will have to be set up somewhere and it is not clear who will administer it. He said that he thinks the intent with the RSA is admirable. Ms. Annis said that it must have to be attached to the deed, as well. Mr. Davies said he has simplified it and suggested that he provide a 15-minute update in a month or so and give some options that could be discussed further. He said he would send the New London ordinance out to the Board Members again for them to read. He said he will also try to come back with some numbers.

Mr. Mical suggested that CNHRPC be contacted to see what progress they are making on this. He said he thought they were going to be researching this issue.

Ms. Annis said that on August 3, there is only one subdivision scheduled. She said that after that they will continue with the ordinances and regulations that are being reviewed by the members. Mr. Violette said that he will recuse himself from the subdivision application because his son is an abutter.

7. COMMUNICATIONS

Ms. Annis said that an announcement has been received for grants for innovative land use implementation. She said it can be any innovative land use control that is supported by the Master Plan. She cited examples that were on the announcement: storm water management, wetlands, habitat shore land, steep slope and ridgeline, conservation open space, infill development, density transfer credits, energy efficient development, access management, inclusionary housing, village plan alternative, agricultural incentive zoning, impact fees, etc. She said that CNHRPC would give up to 30 hours of help on any of these if we should want it. She said that the deadline is September 1st for applications. It was agreed not to apply for any of these because the Board is too busy with other things right now.

Mr. Violette said he would like to know more about the performance zoning that Mr. Davies has mentioned. Ms. Annis said that this is scheduled for later on.

Mr. Hartman said that the Zoning Board turned down the Plass' variance request for the subdivision of the Nichols' property. He said that the 4-lot subdivision as planned was denied. There was a short discussion and it was understood that if they changed their plans to a 3-lot subdivision, then they would not need a variance and would come directly to the Planning Board. There was also a discussion about how a multi-family home in that area would be appropriate because there is already water and sewer there.

8. PUBLIC COMMENTS

Ms. Annis asked if there were any comments from the public. Ms. Stoddard asked about a fence that has been put up between the school and the Odd Fellows building. The Board did not know about that.

Mr. Hartman MOVED to adjourn. Mr. Wyman seconded. The motion was PASSED unanimously. The meeting was adjourned at 9:52 p.m.