



TOWN OF WARNER

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Select Board: Harry Seidel, Chair
Faith Minton
Allan N Brown
Kathleen Frenette,
Town Administrator

DRAFT Select Board Meeting Minutes- March 5, 2024

Open the Meeting and Roll Call

- Chair Seidel opened the meeting at 5:00 PM.
 - *Present:* Harry Seidel (chair), Faith Minton, Allan Brown
 - *Also Present:* Kathy Frenette (Town Administrator), Judy Newman-Rogers (Selectboard Administrative Assistant), Georgia Flanders (ZOOM Administrator)

Minutes

- No minutes to approve at this time.

Continued Business

Status Updates

Mink Hills Stewardship Committee

- To be formed as a result of the work completed by the Mink Hills Recreational Study Committee
 - Focused on protecting the cultural and natural resources of the Minks
- Objectives of the new committee
 - Establish long-term monitoring of Class VI Roads and public hiking trails
 - Educate users and landowners about landowner and trail rights
 - To preserve natural and cultural resources present in the Minks
- Specific interests of the committee
 - Developing signage for trails and roads
 - Seasonal road closures
 - Creating educational materials for landowners and recreational users
 - Helping to manage flooding and erosion of Class VI roads
- Representation on the committee
 - Various town committees and boards (select board, conservation, etc.)
 - Residents/Landowners
 - ATV users
 - Kearsarge Trail Snails
 - Chandler Reservation
- There is a significant amount of conservation land within the Minks
 - Chandler Reservation
- Sources of funding?
 - Create a fund the public can donate to?
- Class VI Roads
 - Cannot be maintained using town money unless reclassified as a fire lane
 - Fire lane status is changeable at a moment's notice
 - Not meant to benefit any particular landowner
 - Dependent on a board's willingness to continue maintaining the road
- Put out a request to related groups for representatives on the committee

Complaint- Short Term Rental (STR)

- Ongoing discussion of the Ordway House, Waterloo Street, operating as an AirBnB intermittently since 2022
- Planning Board began drafting a Zoning Article to cover short-term rentals before last year's town meeting

- The current position of the town is that Warner has permissive ordinances- anything not explicitly mentioned in the zoning ordinances is not permitted
- Decisions made at the state level call into question whether a permissive ordinance is enough to address short-term rentals in areas
- Comment that AirBnB has been occupied almost every weekend since January
- Neighbors have concerns regarding effects on their property equity, as well as parking, traffic, and noise levels
- Select Board had previously intended to send a cease and desist
- Town legal counsel advised not to proceed based on state decisions
 - State superior court ruled that a permissive ordinance was not enough to forbid STRs
 - STRs still count as a residential use according to this decision
 - Anyone who resides on any property for any period of time constitutes a resident according to this decision, as no durational requirements have been imposed
- Currently, there is no obligation for an AirBnB owner to come before town land use boards before beginning to use their property as a short-term rental
 - Thus, there is no opportunity for residents to voice their concerns
- Further in-depth discussion with legal counsel needed
 - Possible need for stricter definitions of terms such as “resident”, “residential use”, etc.
 - Any legal action taken must be strongly supported by zoning ordinances
 - More explicit policy needed to cover STR usage of property in Warner
- Tensions already exist between full-time residents and AirBnB owner/operators

Warner Community Center Repairs

- Windows, doors, handicapped handrail
- Issues with Community Center
 - Fire Code/Fire Marshal’s Report
 - Most of the action items in this report have been taken care of
 - Wall still needed to separate dryer and electrical from hallway
 - Issues with placement of heater
 - Remaining issue with one of the emergency lights not charging
 - Another walkthrough with fire marshal pending
 - ADA Compliance and Safety
 - No one is asking for these to be done right away
 - Stair railings: incorrect height, no barriers, large gaps that create fall hazards
 - \$160,000 - \$190,000 needed to complete these tasks
 - Energy Efficiency
 - New boiler
 - Move away from fossil fuels
 - ~\$200,000
- The main issues that *need* to be tackled at the moment are fire code violations
 - Other issues aren’t as urgent and can be tackled more gradually
- Front doors need to be repaired in order to become operable
- Broken windows in back of building need to be addressed as well
- More public education needed in 2024
 - Tours of the building
 - Discovering features of the building, pros and cons
- Grant availability
 - Grants are available due to its potential as an emergency shelter
- EDAC and CNHRPC coordinating listening sessions for 2024
 - Town-wide survey needed before listening sessions
 - To be released in April

- Tim Allen intends to visit the site next week

Community Tax Incentive Request, Burrington Builders

- Nate Burrington has requested 5 more years under RSA 79E
- Progress on building
 - Removed interior plaster, faulty wiring, first floor, clock tower, etc.
 - Jacked and supported building with I-beams
 - Secured building
 - Replaced foundation
 - Replaced the roof
 - New ice and water shield
 - Asbestos has been removed
 - Basins to catch water
- Building was neglected for a significant period of time
- Goal is to turn the building into apartments
- Current assessed value: \$80,000
- Currently, the building is not generating any income
- **Faith Minton made the motion to approve Nate Burrington's Community Revitalization Tax Incentive request. Allan Brown seconded the motion, and the motion passed.**

Draft Flood Plain Maps

- Initial meeting occurred at Warner Fire Station to discuss new draft flood plain maps
- Discussed challenges of verifying maps and how to delineate and discern different areas between old vs. new maps
 - Overlays can make maps difficult to read
- Funding available from the federal government is contingent upon the approval of these maps
- Committee needed to further examine these maps
- Link to maps to be posted on town website
 - Maps can be found on the FEMA website
 - Maps are in PDF format, which makes them somewhat difficult to read and enlarge
 - GIS format is more workable for zooming in without losing resolution
- 90-day appeal process is likely to begin in the next few months
 - The town can only amend the maps- FEMA approves them
- Reconvene group during the first week of April
- Floodplain Ordinance must be amended in accordance with new maps

IT Continued Discussion- Website, Software User Training

- Rick Rossi from U.S. Homeland Security will come to evaluate the town's technology and cybersecurity on March 12
 - This doesn't cost the town any money
 - Every building's technology will be checked
- Website is lower on the priority list, but still on the radar
 - Issues still need to be addressed with posting agendas, minutes, etc.

Town Hall Roof

- Grant funds have been secured for this project
 - The town will be reimbursed for the cost of replacing the roof
- Scheduling of contractor is currently ongoing
 - Contractor is able to complete the project during the winter months provided that there is no snow on the roof

New Offices At Town Hall

- Drawings and taped outlines in lower meeting room have been provided
- Offices include storage space, windows, and doors for entry/egress
- Architect has been consulted
- Sprinkler and heating systems need to be examined
- Discussion needed with fire chief regarding meeting room occupancy

Town Report

- Town report has been completed, and has been sent out for posting on the website
- Hard copies will be mailed out this week

New Business

Town Meeting Articles- Ray Martin, Moderator

- Decisions regarding who will speak to each warrant article at Town Meeting
- Town Budget: Mike Cutting
- Petitioned Articles: discuss with petitioners
 - Warner Connects article: Apryl Blood
- Records Preservation: Michele Courser
- Police Articles: Chief Chandler
- Bridge Repair/Replacement: Tim Allen
- Highway Equip. and Transfer Station: Tim Allen
- Fire Articles: Jonathan France
- Revaluation Article: Harry Seidel
- Solar Exemption: Harry Seidel
- Contingency Fund: Mike Cutting

Draft Building Permit Application

- New building permit application has been drafted in hopes of avoiding future zoning issues
- Lack of site plans has caused problems in the past
- Cost of building permits does not adequately address the time and manpower required to review permits
- New application generated through comparison with other towns
- This application is still in draft form and open to change
- Site plan reviews
 - Cannot be required for single- family residential construction projects perTown zoning ordinances
- Multi-family issues
 - Applications defines multi-family dwellings as 3 or more family units
 - Does not adequately address duplexes
- Needs to fully address all map overlays
- Accessory apartments need to be spelled out as well
 - Single-family, multi-family, etc.
 - Our zoning ordinance specifically defines these as accessory apartments rather than ADUs
- Consult Tom Baye
- Potential need for public hearings
 - Would help to identify issues with previous building permit

Raffle Permit Request- Warner 250th Birthday Committee

- 4 raffles throughout 2024
- Drawings will occur at various locations and events around Warner
- Some raffles will be 50/50, others will be for items
- **Faith Minton made a motion to grant the raffle permit to the Warner 250th Birthday committee. Allan Brown seconded the motion, and the motion passed.**

Citizen Complaint- Zoning Violation

- Next Select Board will be the ones to deal with the repercussions of any decisions made, as the board isn't meeting again until after the elections
- Violation in question is still ongoing
- Questions regarding whether complaint should be handled in public, as it involves a town employee
- Further investigation needed into when the initial complaint was filed
- Notification of the violation needs to be sent to the landowner
- Possibility of legal backlash
- Zoning board has recently heard a similar case on Couchtown Road and ruled that the proposed usage wasn't allowed
- The board intends to compose a letter to send to the landowner

Request to Waive Building Permit Fee

- Letter received regarding a permit that was initially granted by the Select Board and then rescinded by land use boards due to noncompliance with setbacks
 - This was after a challenge by an abutter
- The planned construction is now compliant, and owner wants to have permit fee waived for this new permit
- Planned construction is a single-family residence
- Building permit fees are not refunded if the permit is not granted
- New property would generate more taxes and thus, more revenue for the town
- New application still has to be processed and examined for compliance
 - Only changes were the setback line and building footprint
- Initial decision and conditions of approval were not acted upon for several decades before an abutter challenged it
 - At the time of the challenge, the permit was null and void and was not up to date with the zoning ordinances
 - The plan was compliant at the time of its submission decades beforehand, but it was not acted on
- There is currently a bill before the state legislature to abolish the five-year time limit to act on a building permit
- This is a new permit and must be looked at as such- regardless of the previous permit submitted and rescinded
- Waiving the fee would set a potentially problematic precedent
- Responsibility of the landowner vs. responsibility of the town
- **Allan Brown made a motion to deny the request to waive the building permit fees. Faith Minton seconded the motion. The motion passed 2-1. Allan Brown and Faith Minton voted in favor of the motion. Harry Seidel voted against the motion.**

Public Comment

- Meeting time
 - Previously, the board met at 6 PM
 - This conflicts with fewer people's working hours and allows more of the public to attend meetings
 - Possible reduction in 91-A requests

Administrator's Report

- First Department Head meeting occurred on February 27th
- Library Flea Market happening April 6th
- Personnel policy updates pending
- Meetings with town committees, Senator Shaheen's office, and statewide organizations
- Senator Hassan visited Warner as part of the Black Heritage Trail

Other Business

- No other business at this time.

Consent Agenda

None

Manifest Motion

Motion for the Select Board to approve the following previously signed manifests:

- Accounts Payable check numbers 8134 through 8153, dated 2/21/2024, in the amount of \$42,437.50.
- Accounts Payable check numbers 8154 through 8185, dated 2/29/2024, in the amount of \$598,192.39, which includes the February payment to the Kearsarge Regional School District of \$500,000.00.
- Accounts Payable check numbers 8186 through 8187, dated 3/4/2024, in the amount of \$59,909.40 covering the Federal Tax and Payroll deposits for the March 7th bi-weekly payroll.
- Bi-weekly payroll checks numbers 3617 through 3626 and direct deposit check numbers E01438 through E01469 dated 3/7/2024 for a net payroll of \$46,246.32.
- Accounts Payable check numbers 8188 through 8197, dated 3/5/2024, in the amount of \$45,154.98.

At this time, Faith Minton made a motion to adjourn the meeting. Allan Brown seconded the motion, and the motion passed. The meeting was adjourned at 8:01 PM.

Respectfully submitted,
Georgia Flanders
Zoom Administrator