



TOWN OF WARNER

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Planning Board Meeting Minutes

7:00 PM, August 4, 2025

Lower Meeting Room, Warner Town Hall, 5 E Main St

I. OPEN MEETING: Chair Karen Coyne called the meeting to order at 7:01 PM. The Pledge of Allegiance was recited.

II. ROLL CALL

| Planning Board Member | Present | Absent |
|----------------------------|---------|--------|
| Karen Coyne, Chair | ✓ | |
| James Gaffney | ✓ | |
| Pier D'Aprile | ✓ | |
| Barak Greene, Vice Chair | ✓ | |
| Ian Rogers | ✓ | |
| Mike Smith – Select Board | ✓ | |
| John Leavitt | ✓ | |
| Bob Holmes – Alternate | | ✓ |
| Micah Thompson – Alternate | ✓ | |

III. PUBLIC COMMENT

None

IV. NEW BUSINESS

A. Public Hearing – Site Plan

Applicant: Charlebois Holdings LLC

Owners: Ronald Charlebois

Agent: Sam Dube

Address: Map 03 Lot 028, 652 Rute 103 East, Warner NH 03278

District: C-1

Proposed Use: Parking Lot / Sales Lot

Karen Coyne opened the public hearing. Chrissy Almanzar confirmed that proper notice was given and fees have been paid. Karen Coyne informed the Planning Board that three letters have been received.

James Gaffney asked if they have any future plans to address the drainage. Sam Dube stated that during record-setting rain, the drainage system performed as intended. Karen Coyne asked if the State of NH needs to be notified as an abutter. Barak Greene questioned if the property on the other side of Route 103 is considered an abutter. James Gaffney stated that if it is within 200 feet it would be considered an abutter. Barak Greene explained that his concern is the lack of a professional plan designed by an engineer and the drainage. John Leavitt has concern regarding the lack of elevation on the plan.

Ian Rogers asked if the lack of a professional plan signed by an engineer was acceptable under an abbreviated site plan review. Sam Dube stated that he was advised that he did not need an engineer drawing during the last Planning Board meeting. James Gaffney expressed concern that the State was not notified as an abutter because a court case would be costly. Barak Greene stated that with the solar array project, they were not required to notify the State.

1
2 Mike Smith stated that the applicant has been very apologetic, as they were not aware a permit was
3 necessary. Karen Coyne acknowledged that the applicant was given conflicting information. Micah
4 Thompson questioned what the purpose of this review is since the project has been completed. Karen Coyne
5 explained that the applicant was given conflicting information and the project was under way. The Planning
6 Board agreed during the conceptual consultation that they did not want to stop the project. She explained that
7 the Planning Board agreed that they needed additional documentation of this process. She further noted that
8 if in the future they add on, there will be a progression of documentation.

9
10 Karen Coyne explained that the Planning Board needs to make a determination if the packet is complete.

11
12 **Barak Greene made a motion seconded by Mike Smith to accept the application as complete under the**
13 **circumstances. Roll Call Vote Rogers YES Leavitt NO D'Aprile YES Gaffney NO Coyne YES Greene**
14 **YES Smith YES**

15
16 Barak Greene addressed the requirement in the Zoning Ordinance that requires a natural vegetative barrier of
17 25 feet. He stated that during construction the trees were cut down along the 25 foot barrier. Karen Coyne
18 recalled a previous discussion where the applicant stated that they are a retail operation and being visible is
19 important. James Gaffney stated that there was not 25 feet of vegetation along Route 103 to begin with.
20 Mike Smith explained that the existing driveway had some vegetation but not 25 feet. He agreed that the new
21 driveway has no vegetation. Sam Dube asked for clarification on where the buffer needs to be. Barak
22 Greene questioned if the buffer is necessary because of Route 103. Karen Coyne stated that she would
23 appreciate clarification from legal counsel regarding if it is necessary that the State of NH as an abutter be
24 notified. Barak Greene stated that of the letters received regarding this, there did not seem to be much
25 concern regarding the lack of trees. He questioned, that by ignoring the requirement for a 25-foot barrier, the
26 board could set a precedent.

27
28 Pier D'Aprile agreed but stated there were unusual circumstances with this. He stated that the abutter
29 complaints were more geared towards lighting and noise. John Leavitt pointed out that this is a site plan
30 review and the Planning Board can require a buffer. Sam Dube asked for clarification on the type of buffer.
31 Micah Thompson questioned why this is being discussed again. Karen Coyne acknowledged this has been
32 previously discussed but not in a public hearing. Barak Greene stated that the Planning Board could allow for
33 an exception. Pier D'Aprile questioned if the town ordinance applies to Route 103, a state road.

34
35 James Gaffney withdrew his concern relating to the state road and the need to notify the State as an abutter;
36 he stated that in looking back at a prior case, it appears to not be necessary. Pier D'Aprile stated that his
37 question is: Does the town ordinance apply to state roads? Barak Greene cautioned about setting precedent.

38
39 Micah Thompson raised his concern that this review is occurring after the fact. James Gaffney spoke about
40 the need to implement a checks and balance system before a building permit is issued to avoid this from
41 happening again. Karen Coyne reiterated that the applicant was given conflicting information. Micah
42 Thompson stated that this once again feels that this is not the best use of the Planning Board's time.

43
44 Karen Coyne stated that letters have been received from 14 Dimond Lane, 15 Dimond Lane and one other
45 referring to a buffer or some form of vegetation to soften the property. John Leavitt stated that he does
46 believe the Planning Board has an issue with the work that has been done. He stated that during the
47 conceptual consultation an abutters list was not available. He does not feel that it would be out of line for the
48 Planning Board to require a vegetative buffer. Karen Coyne spoke about a possibility of a compromise
49 suggesting bushes or shrubs.

1
2 Mike Smith stated that something needs to be implemented so this does not happen again. Sam Dube stated
3 that when the intent to cut was filed there was no mention of a buffer requirement. He questioned if the land
4 owner has the right to cut. Sam Dube stated that the Town made no mention of a buffer at the time he filed
5 the intent to cut or when the building permit was pulled. Pier D'Aprile asked for clarification on the hours of
6 operation because most of the abutters' concerns relate to the hours of operation. Sam Dube explained that
7 they have owned the property for 25 years and a portion of the property was a bus company that operated 24
8 hours a day, 365 days a year. He spoke about the DOT requirement of a bus inspection which is to check the
9 lights and horn. Sam Dube stated that the bus company has moved locations and this property will now be a
10 sales operation Monday – Friday 7:00 AM to 5:00 PM.

11
12 Ian Rogers read a portion of the Zoning Ordinance ARTICLE XI Town of Warner Zoning Ordinances
13 Commercial District – C1, D "... *Where the natural vegetation does not provide an adequate buffer, the*
14 *Planning Board, through Site Plan Review, may require plantings or fencing to meet the buffer requirement.* "
15 Ian Rogers asked the applicant if he had been advised a few months ago about the 25-foot buffer, would he
16 have not cut what trees were there. Sam Dube stated that he absolutely could have left mature trees. Barak
17 Greene stated that this really is for future decisions. He explained that if this passes the Board is essentially
18 saying a road is the abutter, not the residential neighbor on the other side of the road. He stated that this will
19 open the way for a lot of people to cut trees for a better view.

20
21 James Gaffney stated that there is a buffer there now, acknowledging that it is not a natural vegetative buffer
22 but there is a buffer of grass. Barak Greene referred to RSA 674:68 that talks about protecting residential
23 neighborhoods, mitigating visual and noise impacts, and preserving the character or aesthetics of the
24 property. He said it is something for the Board to take into consideration. James Gaffney acknowledged that
25 the Board still will hear from the abutters. Barak Greene suggested granting a waiver on the residential
26 buffer. James Gaffney stated that the way he reads it, the Planning Board does not have to grant a waiver. He
27 stressed that this is an odd case because the building permit was issued in advance and now the Planning
28 Board is trying to do their due diligence.

29
30 John Leavitt stated that the property line is more than 25 feet away from the residential area, he does not
31 understand why the buffer even comes into play. Ian Rogers stated that it sounds like the applicant acted in
32 good faith and tried to follow the rules. Karen Coyne clarified that the applicant was told by a town
33 employee that he did not have to come before the Planning Board.

34
35 Karen Coyne opened the floor to the abutters.

36
37 Tony Jaworski of Dimond Lane stated that he is looking for clarification on the hours of operation of the
38 maintenance shop. Sam Dube stated that it would be the same as the sales operation (7:00 AM – 5:00 PM)
39 with the occasional Saturday.

40
41 Holly Carlson of Dimond Lane stated her concern is relating to the after-hours business. She noted that in the
42 past, there were late deliveries into the night. Sam Dube stated that there will not be late night deliveries. He
43 explained that the property has experienced a significant number of vehicles using the property as a
44 turnaround for truckers, people sleeping in the parking lot using it as a rest stop. James Gaffney asked if the
45 applicant would consider installing a chain. Sam Dube was not sure that could be done without unintended
46 consequences. John Leavitt spoke about the possibility of utilizing a key code with a chain or gate. He spoke
47 about establishing acceptable delivery times.

1 Tony Jaworski spoke about his concerns about lighting. Sam Dube stated that he would like to be treated
2 just like the other businesses in the area. He would like security lighting.
3 Pier D'Aprile asked if Tony and Holly were residents when the bus company operated at the property? Tony
4 Jawroski confirmed they were and this is the first time in 23 years they were notified as an abutter. Pier
5 D'Aprile asked if they have any of the same complaints since the property has changed use. Pier D'Aprile
6 asked if this is what can be expected from the business. Sam Dube confirmed that this is what can be
7 expected in the future.

8
9 Barb Marty acknowledged that there was miscommunications in the beginning but that does not mean that
10 this Board needs to bend over backwards to relegate their authority to require a buffer. She stated that this
11 business is not like the lumber business that abuts a commercial property, this business abuts a residential
12 zone. Barb Marty acknowledged the property is on Route 103 but the residential properties across the street
13 are abutters. She explained that a buffer is a way to mitigate some of the issues such as lighting and noise.
14 She stated that just because a mistake was made does not mean that the Planning Board should abandon their
15 obligations. Barb Marty stated that this property is over the ground water aquifer and it would be a mistake
16 not to require an engineered drawing of the property, and to determine the kind of fuels, toxins or paints that
17 could be stored on the property. Barb Marty stated that the hours of operation should be set as a condition of
18 this Board. She stated that the plan provided is not to scale. She is really disappointed with the lack of
19 scrutiny.

20
21 John Leavitt stated that the Board is concerned about setting precedent. He stated that the Planning Board
22 must require a reasonable engineered drawing. He stated that his biggest concern with the drawing provided
23 is that it does not show elevations.

24
25 Micah Thompson asked why the Zoning Board Chair is raising these concern now and not earlier in the
26 process. Barb Marty clarified that she sent a letter of concern to the Planning Board back on July 7th when
27 she first learned of it. She reiterated that a mistake made by an employee does not negate this Board's
28 responsibility. Micah Thompson questioned what Barb Marty recommends since the project is complete.
29 Sam Dube concurred that the project is complete except for signage and lighting. Barb Marty stated that
30 signage is within the Planning Boards purview.

31
32 Karen Coyne asked if there is a survey done in the past that could be submitted for the record. She feels that
33 would be an appropriate condition. James Gaffney stated that at this stage requesting an elevation map does
34 not accomplish much. John Leavitt noted the property has flooded in the past and the property is not entirely
35 flat. John Leavitt stated that the contractor has to have that information. He explained that at the consultation
36 that information was requested but it was never submitted.

37
38 Karen Coyne recapped the conditions thus far; submission of a site plan, lighting plan, no storage of fuels on
39 the property and signage. John Leavitt and Mike Smith both would like a gate to be installed. Sam Dube
40 asked if a gate is mandated for everyone else. Pier D'Aprile stated the distinction is the proximity of this
41 property to residential property.

42
43 Nancy Martin, Chair of the Conservation Commission, expressed concern about runoff from maintenance.
44 She would like to see something that will mitigate the runoff. Barb Marty stressed this is the Board's one
45 chance to make sure that it is safe, and to mitigate the impact on the residential zone.

46
47 Ian Rogers stated that the applicant received incorrect information, and this should have come before the
48 Planning Board for site plan review. He asked if this applicant should be held to the same standards as they
49 would have under a site plan review.

1
2 Karen Coyne closed the public hearing.

3
4 Karen Coyne recapped the conditions previously discussed; buffer, submission of a site plan, lighting plan
5 tailored to minimize impact on neighbors, no storage of fuels on the property, hours of operation, wash bay
6 storage tank, signage and gate.
7

8 Buffer: Ian Rogers stated that it is important to note that the applicant acted in good faith and would have left
9 the trees as a buffer had he known. Ian Rogers is reluctant to require a buffer. Barak Greene spoke about the
10 ordinance that requires a buffer. He acknowledged that this is a grey area with no definitive answer. John
11 Leavitt stated that he does not believe the ordinance fits this location. He explained that the property line is
12 more than 25 feet from the nearest residential property. He stated the state road is not a residential property.
13 James Gaffney explained that state law defines an abutter as someone who can be on the other side of the
14 road. Mike Smith noted other properties that do not have a buffer and are within 200 feet from a residential
15 property. Pier D'Aprile stated that the abutters' concerns were more about the noise, lighting and hours of
16 operation which the Board can address. He agrees with Ian Rogers that the Board could make an exception
17 or waiver to their normal policy. Barak Greene agrees but noted it is still a violation of the ordinance. James
18 Gaffney referred to the satellite image of the property that shows the property had a vegetative barrier but not
19 25 feet. He stated that there are other properties around town in the same situation. Barak Greene agreed,
20 stating that a barrier is not necessary. Ian Rogers agreed. No motion was made to require a buffer as a
21 condition.
22

23 Fuel storage: Pier D'Aprile suggested a condition that requires the removal of the diesel tank.
24

25 Hours: The applicant explained previously that the hours are set 7:00 AM -5:00 PM Monday through Friday
26 with a few Saturdays per year. Karen Coyne stated that she is struggling with mandating a specific time
27 frame. The applicant suggested 6:00 AM to 6:00 PM.
28

29 **James Gaffney made a motion seconded by John Leavitt to adopt the business hours of 6:00 AM to**
30 **6:00 PM.**
31

32 *Discussion on the motion*

33 Pier D'Aprile and Barak Greene would prefer adopting the applicant's original request of 7:00 AM -5:00
34 PM. The Board discussed not wanting to limit the business' ability to modify their hours of operation if
35 needed, which would require the applicant to come back to the Planning Board to make a change. The Board
36 agreed to amend the motion to 7:00 AM to 7:00 PM.
37

38 **Amended motion by James Gaffney seconded by Mike Smith to adopt the business hours of 7:00 AM**
39 **to 7:00 PM. Motion passed 6-1-0 John Leavitt voted in the negative**
40

41 Engineered Plan/Drawing:

42 The Board discussed requiring the previous site plan from when the parking lot was constructed. Karen
43 Coyne clarified that this is not a requirement to have a new survey done, the Planning Board is looking for
44 what was submitted when the parking lot was done.
45

46 **Barak Greene made a motion seconded by Pier D'Aprile to require an engineer's or surveyor's**
47 **drawing of the property as it is. Motion passed 6-1-0 James Gaffney voted in the negative**
48

1 Sam Dube asked for clarification on what is needed and by whom it should be signed. He informed the
2 Planning Board that his local contractor surveyed the property, but he is not a licensed surveyor. He
3 reiterated that he did not hire a firm to survey the property. Pier D'Aprile suggested looking at what is on
4 file currently to see if there is a stamped drawing already on file. Sam Dube suspected the property had been
5 surveyed at some point in the past. James Gaffney suggested that the Planning Board clarify what is being
6 required of the applicant. James Gaffney explained that the vote is asking for an engineering surveyed map
7 that is consistent with what is required of a normal site plan review. Chrissy Almanzar located a septic plan.
8 James Gaffney stated that if the septic plan has enough information in the septic plan, the Planning Board
9 should make a motion to reconsider the previous vote.

10
11 John Leavitt called a point of order, stating there are multiple conversations happening. Barak Greene stated
12 that the septic plan does not show the entire lot. James Gaffney clarified that the question is: Does the new
13 lot occupy more or less than 70% of the overall lot?

14
15 Lighting: The Planning Board discussed the need for a lighting plan that shows no lighting directed at the
16 residential properties and minimizing direct impact to the residential properties.

17 **James Gaffney made a motion seconded by John Leavitt to require a lighting plan as a condition of**
18 **approval. Motion passed unanimously.**

19
20 Gate/Chain:

21 Pier D'Aprile does not think a gate or chain is going to solve the problem. Mike Smith spoke in support of
22 the gate/chain. Karen Coyne questioned the need for a locked gate. John Leavitt stated that a gate will keep
23 people out. Barak Greene asked if this requirement is fair and consistent to what others are required. He
24 questioned the enforcement of the gate being used. Ian Rogers agreed. John Leavitt stated that abutters have
25 expressed concern about traffic and a gate would be helpful. Karen Coyne stated that when the bus company
26 operated on this property, the neighbors had to deal with buses coming and going day and night. She spoke
27 about the noise of the required bus safety checks (horns). Karen Coyne questioned if the occasional turn
28 around or sleeping in the lot equates to the same disruptions as the bus company.

29 **James Gaffney made a motion seconded by Barak Greene not to require a gate/chain. Motion passed**
30 **6-1-0 John Leavitt voted in the negative.**

31
32 Karen Coyne stated that the sign will go to the Select Board as part of their sign permit. Sam Dube asked if
33 the sign on the building is considered a sign. The applicant was informed that a sign or letters on the building
34 are both covered as part of the sign permit.

35
36 **James Gaffney made a motion seconded by Barak Greene to approve the application with the**
37 **conditions listed. Motion passed**

38
39 Ian Rogers stated that the zoning ordinance article XII will give the applicant the information on signage.
40 Sam Dube recapped what he will need to provide regarding a contractor or surveyor's drawing. James
41 Gaffney asserted that the condition requires that the applicant comply with the requirements of the site plan
42 review. Multiple conversations occurred.

43 **V. UNFINISHED BUSINESS**

44 None

45 **VI. REVIEW MINUTES: July 21, 2025**

46 Tabled

1 **VII. COMMUNICATIONS**

2 None

6 **VIII. REPORTS**

7 **Chair's Report- Chair, Karen Coyne**

8 Karen Coyne advised the Planning Board that the town's legal counsel agrees with the Planning
9 Board's buildable area determination: if the entire building is going to exist in R-2 then buildable
10 area is that of R-2 and if it exists in R-3 then it is the buildable area of R-3. Karen Coyne stated that a
11 motion was not made on that in the past and the Planning Board needs to vote on that determination.

12 **Barak Greene made a motion seconded by Pier D'Aprile that the Planning Board determined the**
13 **buildable area in R-2 was not sufficient for the proposed structures, furthermore a variance is needed.**
14 **Motion passed 6-0-1 Mike Smith abstained.**

15
16 **Select Board – Mike Smith**

17 None

18 **Audit Search Committee – James Gaffney**

19 James Gaffney reported that the committee made five recommendations to the Select Board that they
20 felt were critical to be addressed in order to find a replacement auditor.

21 **Regional Planning Commission - Ben Frost, Barb Marty**

22 None

23 **Economic Development Advisory Committee – James Sherman**

24 None

25 **Agricultural Commission - James Gaffney**

26 None

27 **Regional Transportation Advisory Committee – Tim Blagden**

28 None

29
30 **IX. PUBLIC COMMENT**

31 None

32
33 **X. ADJOURN**

34 The Planning Board meeting adjourned at 9:11 PM.

35
36 Respectfully submitted by Tracy Doherty
37
38
39
40