



TOWN OF WARNER

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Planning Board Meeting Minutes

April 21, 2025 7:00 PM

Lower Meeting Room Warner Town Hall
5 E Main St Warner, NH 03278

I. OPEN MEETING: Chair Karen Coyne called the meeting to order at 7:00 PM.

ROLL CALL

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

II. PUBLIC COMMENT

None

III. MINUTES: April 7, 2025

Barak Greene made a motion seconded by John Leavitt to postpone the minutes until later in the meeting. Motion passed unanimously.

IV. NEW BUSINESS

A. Conceptual Consultation

Applicant: Sam Dube – Charlebois Inc.
Address: 652 Route 103 East, Warner, NH 03278
Map/Lot: 03-028
District: C-1

Details: Question regarding whether change of use is needed

Sam Dube explained that Mr. Charlebois has owned Premier Coach (bus company) located at 652 Route 103 East since 2002. He stated that the company grew, and they moved to 780 Route 103 where they operate the bus company and fit up trucks. The property was rented for four to five years. Sam Dube explained to the Planning Board that they want to use the property to sell trailers, trucks, and dump bodies. Elizabeth Labbe stated that she originally had told Mr. Dube that she did not believe it was a change in use because it was retail, but they are seeking guidance from the Planning Board.

Ian Rogers asked if the facility would include a parking lot and a place for customers to gather inside. Mr. Charlebois stated there would be the parked vehicles for sale, a maintenance shop, and a sales office. James Gaffney asked what the approved use of the property is. Karen Coyne explained that during a 2019 Planning Board meeting there was a conversation about the approved use, but it was not definitively stated. She stated that retail use is permitted. James Gaffney stated that if this is a change in use a site plan would be required. Harry Seidel reviewed the site plan review regulations, and he believes this is an expansion of the use. He

1 read from the ordinance that pertains to expansion of use. Karen Coyne asked for clarification on the
2 changes to the property. Mr. Charlebois stated that because the parking lot has not been fully utilized for
3 some time, trees and vegetation had grown up. He explained that they cleared those trees. He stated the
4 vehicles on the lot will be parked until sold. Harry Seidel stated the ordinance refers to any physical
5 expansion more than 200 square feet. James Gaffney stated that this would require a site plan review. Bob
6 Holmes concurred that it is a change in use and would require a site plan review.
7

8 Karen Coyne read the conditions for the original site plan review.

- 9 1. The State permit from the DOT must be received and copied to the Planning Board.
- 10 2. The State permit for septic must be received and copied to the Planning Board.
- 11 3. Where loam is to be removed at the entrance to the driveway, there must be adequate plantings and/or
12 structures placed at the location to provide screening of the site from Route 103.
13

14 James Gaffney questioned if one could argue that they are going back to the original use with the addition of
15 retail sales. He stated that it is the physical change that is harder to circumvent. Mr. Charlebois informed the
16 Planning Board that Sam Dube came to the Town for guidance. He stated that the project contractor has
17 done 50% of the work. Karen Coyne asked about any permits issued. Elizabeth Labbe stated they have been
18 issued an excavation permit for the driveway. Pier D'Aprile stated that it would be helpful to have a map
19 that depicts the existing parking lot and the area of expansion. Karen Coyne asked if there was an engineer
20 involved. Mr. Charlebois stated that they did not think they needed one. Sam Dube explained that the
21 contractor is very well versed in drainage, and he has a site plan but he is not an engineer.
22

23 Harry Seidel reiterated that this project is clearly an expansion. He spoke about how the Town is currently in
24 a period of transition. He stated that it should have come to the planning board with a site plan months ago
25 to address all these issues. He stated that the land has been clear cut. Harry Seidel stated that site plan review
26 should be required. Barak Greene explained that this is zoned as a commercial district and is going to be
27 used as one. He stated that means the land will be clear cut, a commercial business will operate on the site
28 that brings money into town.
29

30 Micah Thompson stated that as a contractor he understands how difficult it would be for the project to be
31 shut down at this stage. Micah explained that they came to the Town for guidance and information and the
32 property owner proceeded accordingly. Karen Coyne stated that she is not inclined to stop the project. She
33 further explained that the Planning Board may ask for a presentation to show the changes being made to the
34 property. James Gaffney would like to provide the applicant with the site plan review forms and would like
35 the board to waive certain parts of the site plan review. He is inclined to ask the Planning Board to waive
36 some or all of the fees. He is hoping to expedite the review process for them. Ian Rogers echoed previous
37 comments from Harry regarding this being a time of transition for the town. He agreed with James'
38 suggestion about expediting the process. Elizabeth Labbe stressed that property owners are allowed to cut on
39 their private property. Barak Greene inquired if the Town's engineer should review the plans.
40

41 Karen Coyne recapped the Planning Boards recommendations:

- 42 - The applicant to return with a version of a site plan review and anything the project contractor has
43 produced. The Planning Board can decide at that time if they want the Town engineer to review the plan.
44 John Leavitt advised the applicants that a public hearing would be held to allow abutters to speak. Karen
45 Coyne spoke about the importance of everyone cooperating to keep the project on track, looking at
46 waivers especially for work that has already been done or the permits that have already been given. Ian
47 agreed with that sentiment.
48

49 **B. Public Hearing-- Lot Line Adjustment**

50 Applicant: Russell T. Nolan

1 Owners: Pleasant Valley Living Trust
2 Address: 285 Pleasant Pond Road Hopkinton, NH 03229
3 Map/Lot: Map 3, Lot 22
4 District: R-2 and OR-1

5 Description: Proposing a Lot Line Adjustment of 4.32 acres to create Map 3, Lot 22-1
6 Steve Lugar Licensed Land Surveyor, Ryan Fredette of Hopkinton NH and Russ Nolan of Warner NH
7 introduced themselves. Karen Coyne opened the public hearing and confirmed that all proper notice has
8 been given, and all fees have been paid. Steve Lugar summarized the proposed lot line adjustment. He stated
9 that the Town of Hopkinton does not have any issue with the lot line adjustment. He recapped the conditions
10 that Warner's legal counsel has put forward. At this time Karen Coyne advised Bob Holmes that she could
11 not recognize him during the public hearing because he is an alternate. Karen Coyne stated that the lot line
12 adjustment will continue as is and for the condition regarding 674:53 IV, a signature will be obtained for the
13 plans. She recapped the other conditions 1) Map 3 Lot 22-1 shall not be a separate buildable lot and shall be
14 merged with the property owned by Russell Nolan in the town of Hopkinton shown as map 206 Lot 22 on
15 the plan. 2) Pleasant Living Trust shall convey Map 3 Lot 22 to Russell T. Nolan by deed that contains the
16 statement that says that the property to be conveyed by this deed is to be merged with the land of the grantee
17 shown on the town of Hopkinton Map 206 Lot 22 and is not a separate buildable lot. 3) The applicant shall
18 provide an unsigned draft copy of the deed.

19
20 A point of order was raised by Ian Rogers to clear up any confusion relating to alternate participation during
21 the public hearing. He read from the rules of procedure (VII Meetings section H)

22 *At Board meetings, alternates who are not activated to fill the seat of an absent or recused member or who have not*
23 *been appointed by the Chair to temporarily fill the unexpired term of a vacancy may participate with the Board in*
24 *limited capacity. During a public hearing, alternates may sit at the table with the regular members and may view*
25 *documents, listen to testimony, and actively participate and interact with other Board members, the applicant, abutters*
26 *and the public. However, they shall not be allowed to make or second motions and shall not participate in discussions*
27 *on motions pending a vote. During work sessions or portions of meetings that do not include a public hearing,*
28 *alternates may fully participate, exclusive of any motions or votes that may be made.*

29
30 Bob Holmes stated that RSA 674:53 deals with land affected by municipal boundaries and what is required.
31 Karen Coyne confirmed that had previously been done.

32
33 **Harry Seidel made a motion seconded by Barak Greene to approve the Lot Line Adjustment of Map 3,**
34 **Lot 22-1 in district R-2 and OR-1 with the following conditions laid out by the town's legal counsel 1)**
35 **Map 3 Lot 22-1 shall not be a separate buildable lot and shall be merged with the property owned by**
36 **Russell Nolan in the town of Hopkinton shown as map 206 Lot 22 on the plan. 2) Pleasant Living Trust**
37 **shall convey Map 3 Lot 22 to Russell T. Nolan by deed that contains a statement that says the property**
38 **to be conveyed by this deed is to be merged with the land of the grantee shown on the town of**
39 **Hopkinton, Map 206 Lot 22 and is not a separate buildable lot. 3) A signature from the Town of**
40 **Hopkinton agreeing to the lot line adjustment. Furthermore, the applicant will return a fully executed**
41 **deed. Motion passed unanimously.**

42 Karen Coyne closed the public hearing at 7:51 PM.

43
44 **MINUTES:** April 7, 2025

45 The Planning Board reviewed and amended the minutes of April 7, 2025. Bob Holmes disputes the accuracy
46 of his comments transcribed on page 2. The Zoom recording will be reviewed for clarification on statements
47 made by Bob Holmes. He stated that he spoke to Kathy Frenette and Mike Smith. He stated that neither
48 Kathy nor Mike complained about the time he spends at Town Hall.

49
50 At this time Mike Smith joined the meeting via Zoom

1 **C. Michael Smith Select Board** – Discuss potential lot sales

2 Mike Smith advised the Planning Board that there are two lots up for consideration 1) Map 3 Lot 105
3 (22 acres) and Map 3 Lot 103 (14.6 acres) located on Poverty Plains Road consisting of mostly wetlands. He
4 stated that the Select Board felt that Map 3 Lot 103 should be retained because of its location to the river.
5

6 **Barak Greene made a motion seconded by Pier D’Aprile to recommend for sale Map 3 Lot 105.**
7 **Motion passed unanimously.**
8

9 **Barak Greene made a motion seconded by Harry Seidel not to recommend the sale of Map 3 Lot 103**
10 **because of the proximity to the river. Roll Call Vote Seidel YES Barak Greene YES James Gaffney NO**
11 **Pier D’Aprile NO John Leavitt NO Ian Rogers YES Karen Coyne NO**

12 *Discussion on the motion*

13 John Leavitt disagrees with holding on to Lot 103 because it abuts the river. Ian Rogers stated that the
14 Planning Board should come at this from a planning standpoint and the Conservation Commission will look
15 at it from a conservation standpoint.
16

17 **James Gaffney made a motion seconded by John Leavitt that the Planning Board make a**
18 **recommendation to sell Map 3 Lot 103. ROLL CALL VOTE Harry Seidel NO Barak Greene NO**
19 **James Gaffney YES Pier D’Aprile YES John Leavitt YES Ian Rogers NO Karen Coyne YES**
20

21 **D. Planning Board Business**

- 22 1. Decorum
- 23 2. Rules
- 24 3. 91-A Feedback from Counsel
- 25 4. Visiting Town Hall Guidelines 1 Page

26 Karen Coyne explained that the Planning Board Business to set the yearly plan, review feedback from legal
27 counsel, address the topic of compliance officers. She stated that she neglected to include the CIP schedule.
28 The Planning Board discussed the need for decorum, abiding by the rules and they discussed legal counsel’s
29 feedback on 91-A. They discussed research visits to Town Hall.
30

31 Bob Holmes explained that he recently spoke to Kathy Frenette to discuss if she had concerns regarding the
32 amount of time he spent on the Farrell Loop project. He stated that Kathy told him she did not know
33 anything about the Farrell Loop project, and she said she does not have a problem with how much time he
34 spends at town hall. Mike Smith stated that he did witness a meeting Bob Holmes had with Kathy Frenette.
35 He urged everyone to be mindful of the amount of time they take up with town employees. Mike Smith
36 explained that at the time in question, there was a customer who was waiting more than an hour to see a town
37 employee. Bob Holmes stated that he was discussing his personal property and the upcoming revaluation.
38 He stressed that it was not Planning Board business. James Gaffney spoke about the need for all board
39 members to be sensitive about the amount of time they take in their official capacity as Planning Board
40 members with town employees. Karen Coyne explained that she was approached by the Town Administrator
41 and the Select Board Chair asking her to have a discussion with the Planning Board members to reduce the
42 amount of time spent with Town employees. John Leavitt spoke about the comment made previously,
43 indicating that it is not proper for board members to discuss or conduct their research with town employees.
44 He stated that the RSA specifically talks about communication with board members, not town employees or
45 even the applicant. Karen Coyne clarified what the town’s legal counsel meant by that. She explained that
46 legal counsel stressed that there is a very fine line between meeting preparation and doing so much research
47 that you are no longer unbiased. John Leavitt stated that he believes that Planning Board members have a
48 responsibility to do as much research as possible. Karen Coyne stated that if each member of the Planning

1 Board spent an hour or more with Land Use and Assessing, they would be taking up a significant amount of
2 time of the employees.

3
4 Barak Greene agreed that Planning Board members should be prepared by becoming familiar with the public
5 information available to the public. He explained that diving into information not available to the public or
6 questioning select board members about their rationale is too far. Barak Greene stressed that the Planning
7 Board should be working as a team. He stated that individual research before the meeting needs to be
8 limited because during a Planning Board meeting the board has the ability to request additional information
9 as a team. He stated that is the correct RSA 91-a compliant way of doing it.

10
11 Karen Coyne asked for decorum by refraining from animated gestures like shaking heads in agreement or
12 disagreement. She requested that everyone treat each other with respect.

13
14 Bob Holmes spoke about a seminar given by Steven Buckley that dealt with bias and the right to know law.
15 He feels there is confusion about what the right to know law says. Bob Holmes explained that board
16 members are not to meet (including emails and conference calls) as a quorum and come to a decision on
17 something that is pending before the Planning Board. Karen Coyne stated that it applies to rump groups as
18 well. Bob Holmes disagreed. Bob Holmes asserted that when he went to Elizabeth in Assessing he reviewed
19 the public records, which are available to anyone.

20
21 Karen Coyne asked Bob Holmes to calm down, lower his voice, or she will ask him to leave. Bob Holmes
22 stated that he would not leave. Karen Coyne said she would call 911. Bob Holmes said then go ahead, maybe
23 you should do it. At this time other Planning Board members urged for calm.

24
25 Harry Seidel agreed that board members should do their due diligence while respecting the fact that town
26 employees have a lot of work to do. Ian Rogers asked Barak if there was a reference or citation that he was
27 reading from. Barak Greene stated it was 673:14. He reiterated that the Planning Board needs to come to
28 decisions as a group. Micah Thompson asked for clarification on what records the Planning Board has
29 access to that the public does not. Karen Coyne explained that if board members hold conversations, those
30 discussions are not available to the public.

31
32 Pier D'Aprile stated that everyone is right, and a little wrong as well. He agreed with John Leavitt's point
33 but if each member were to spend one hour with town employees, that is 9 hours and it could be much more
34 than that. Pier does not think that is practical. He spoke about members using the information they gather
35 when researching. James Gaffney stated that looking at a public file does not need to take up the time of
36 town employees. He stated that any questions that come up during their research should be brought to the
37 Chair not town employees. James Gaffney explained that it is up to the Chair to determine if she is going to
38 ask the town employee to do additional research. James Gaffney reiterated the need to refrain from making
39 gestures while another member is speaking.

40 5. Compliance Officer

41 The Planning Board discussed the town lacking a compliance officer. The Chair stated that the Select Board
42 has discussed it. Harry Seidel stated that Elizabeth is the closest thing the town has to a compliance officer.
43 Harry Seidel advised the Planning Board that there is an individual who expressed interest in being Warner's
44 compliance officer. He explained that the individual has moved to Warner and used to be the compliance
45 officer in Franklin NH. Pier D'Aprile asked for clarification on the position (full/part time, number of
46 hours). James Gaffney requested the job description.

47
48 Harry Seidel explained that his idea of a compliance officer is for someone with the expertise of Barak or
49 Micah to work with the Planning Board. John Leavitt stated that the Planning Board does not have a
50 mechanism to ensure that approval conditions are enforced. Barak Greene suggested adding something to the

1 rules and procedures and the job description for this. Ian Rogers asked if compliance officers in other
2 communities follow up on Planning and Zoning Board conditions. Bob Holmes asked if there has been a
3 conditional approval that requires the applicant to come back with a status report. James Gaffney noted that
4 the Zoning Ordinance does have an enforcement provision requiring the Select Board to investigate. Karen
5 Coyne would prefer to have a person whose job it is to ensure that conditions are satisfied.
6 Micah Thompson stated that it was his understanding that the building inspector is retiring. He suggested
7 combining the building inspection duties with compliance officer duties to conserve the town's resources.

8 6. Yearly Plan for 2025

- 9 -Planning Board basics
- 10 -Learning RSAs (Including tips and tricks)
- 11 -Housing Chapter Completion
- 12 -New Senate and House Bill Analysis Plan

13 Barak Green stated the majority of the board members are new. He urged new members to read the town
14 planning and zoning ordinances, RSA 672 through 679. They discussed holding mock hearings and other
15 reading materials and educational or training opportunities to help the newer members. They discussed the
16 importance of being aware of legislative changes and new laws. Pier D'Aprile stated that all the materials
17 discussed are available to anyone who wants to read them. He recommended developing a process/point of
18 contact recognizing this could have enormous ramifications.

19
20 Barak Greene stated that he would like to make a permanent change to the agenda order of business by
21 moving minutes down under Planning Board Business.

22 **Barak Greene made a motion, seconded by Ian Rogers, to permanently move the review of the meeting**
23 **minutes after Planning Board Business. Motion passed unanimously**

24
25 **James Gaffney made a motion, seconded by John Leavitt, to begin each Planning Board meeting with**
26 **the Pledge of Allegiance. Motion passed 5-2-0, Harry Seidel and Ian Rogers voted in the negative.**

27 *Discussion on the motion*

28 James Gaffney stated that historically it has been done but the Town has gotten out of the habit of doing that.
29 He stated that it is voluntary. John Leavitt stated it is a great way to start the meeting. James Gaffney
30 explained that it dovetails with the oath that each member took to defend the NH State Constitution and the
31 United States Constitution. Harry Seidel stated that he will recite the Pledge of Allegiance if the board votes
32 in favor. He does not think that a Planning Board meeting is a rah-rah moment that is needed to build team
33 support for the nation. He explained that the Planning Board meeting is focused on the town, its residents,
34 and responding to agenda items. He does not believe that anyone should be compelled or forced to pledge
35 allegiance to something. James Gaffney reiterated that it is voluntary.

36
37 -CIP Schedule: Karen Coyne advised the Planning Board that the CIP is due in August which means the
38 Planning Board will be starting this year in June. She asked Pier to work with Tim Allen again this year.
39 Harry Seidel stated that it is the Select Board Chair's intention to have the CIP presented to the Budget
40 Committee and Select Board at the same time. Pier D'Aprile outlined the CIP for the newest members
41 focusing on the complexity of the DPW capital needs. James Gaffney inquired if it would be worthwhile for
42 Department Heads to discuss their CIP with the Select Board prior to presenting their CIP to the Planning
43 Board, in an attempt to streamline and polish. He would like the Select Board to review the department
44 heads' CIP requests before they are presented to the Planning Board. James Gaffney stated that he has hopes
45 that the current Select Board will handle CIP requests differently this year. He stated that he will table his
46 request because he believes that he (as a resident) should raise it to the Select Board. John Leavitt explained
47 that the design of the CIP presentation (from Department Heads to the Planning Board and then from the
48 Planning Board to the Select Board) is intentional to block the Select Board from the process.

49

1 Ian Rogers raised the issue of updating the Master Plan and the need to put together a plan. Barak Greene
2 cautioned that there is legislation pending that could impact that and he recommends holding off for a bit
3 until the changes are known. Karen Coyne suggested adding the Master Plan update to future work sessions
4 to discuss what can be done.

5

6 **V. UNFINISHED BUSINESS**

7 A. Housing Chapter Master Plan Draft – Review/Discussion

8 The Planning Board discussed the housing needs in Warner. There was conversation about the legislation
9 pending at the State level that will affect local land use boards.

10

11 Submission from Harry Seidel on #7 section 4.11 Objectives, Recommendations and Improvements. Pier
12 D’Aprile and Barak Greene both indicated they supported the spirit of the proposed edit.

13 By a vote of thumbs up or thumbs down the Planning Board accepted Harry Seidel’s edits.

14

15 **VI. REPORTS**

16 **Chair’s Report** – Chair, Karen Coyne

17 None

18 **Select Board** – Harry Seidel

19 None

20 **Regional Planning Commission** – Ben Frost, Barb Marty

21 None

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

23 None

24 **Agricultural Commission** – James Gaffney

25 None

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

27 None

28

29 **VII. COMMUNICATIONS**

30 None

31 **VIII. PUBLIC COMMENT**

32 None

33 **IX. ADJOURN**

34 The meeting adjourned at 9:58 PM

35

36 Respectfully submitted by Tracy Doherty

37

38

39

40