



## TOWN OF WARNER

PO Box 265

Warner, New Hampshire 03278-0265

Telephone: (603) 456-2298 ex. 7

Email: landuse@warnernh.gov

### Planning Board Meeting Minutes

July 21, 2025, 7:00 PM

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

#### I. OPEN MEETING: Chair Karen Coyne called the meeting to order at 7:02 PM.

**PLEDGE OF ALLEGIANCE:** 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	✓	
Harry Seidel – Select Board	✓	
John Leavitt	✓	
Bob Holmes – Alternate	✓	
Micah Thompson – Alternate	✓	

#### VI. REVIEW OF MINUTES: April 7<sup>th</sup>, April 21<sup>st</sup>, and July 7<sup>th</sup>

##### April 7, 2025

James Gaffney made a motion seconded by Barak Greene to accept the edit of page 2 line 27 & 28 and to accept the minutes of April 7, 2025, as amended. Motion passed unanimously.

##### April 21, 2025

James Gaffney made a motion seconded by Barak Greene to accept the minutes of April 21, 2025, as amended. Motion passed unanimously.

##### July 7, 2025

Pier D'Aprile made a motion seconded by James Gaffney to accept the minutes of July 7, 2025, as presented. Motion passed unanimously.

#### III. PUBLIC COMMENT

Mike Smith informed the Planning Board that the Select Board is moving to remove Preti Flaherty as legal counsel. He asked if the Planning Board had any thoughts or concerns. Karen Coyne stated that with regard to Upton & Hatfield, she has had situations where she received differing legal opinions from different attorneys within the practice and she expressed frustration from not receiving responses in a timely manner. Karen Coyne stated that she has been pleased with the response time of Preti Flaherty. She noted that a legal opinion was received on a weekend. Chrissy Almanzar spoke about a couple instances where residents were forced to wait exceptionally long periods due to differing advice from within the Firm. Karen Coyne spoke about an instance when materials had been sent to Upton & Hatfield previously on numerous occasions that they requested again. Pier D'Aprile asked for clarification on the issue. Mike Smith spoke as a resident of Warner stating that there have been problems with Upton & Hatfield. He explained that a new legal counsel was retained legally through the proper procedures. He stated that there is one person in town who continues to dispute that. Mike Smith is looking for the Planning Board's opinion regarding the service they have received from Preti Flaherty. Karen Coyne stated that the Planning Board has received excellent service from the new legal counsel. James Gaffney asked if the Planning Board wanted to make a motion to

1 recommend that the Planning Board Chair summarize her interactions with the new legal counsel in a letter  
2 to the Select Board. Mike Smith explained that the Select Board will be discussing this at the next Select  
3 Board meeting and there will be a vote to remove Preti Flaherty. Karen Coyne asked if there has been a  
4 discussion regarding the reasoning to remove Preti Flaherty. She noted that they are far more responsive and  
5 less expensive.  
6

7 Harry Seidel explained that this has been brought up because the proper procedures were not followed. He  
8 stated that Mr. Smith brought this up to the Select Board because he was working on selling town-owned  
9 properties to increase revenue, but Mr. Smith was not receiving timely responses from our current counsel.  
10 Harry Seidel stated that he initially did not want to engage with two legal counsels. He stated that it was  
11 presented to the Select Board that Preti Flaherty would only be used for land use decisions. Harry Seidel  
12 stated that a contract came in from the new counsel dated a day before it was presented to the Select Board  
13 that reflects that Preti Flaherty could be used for any town matters and that is different than what was  
14 proposed and agreed on. Harry Seidel spoke about the process that was not followed.  
15

16 Karen Coyne explained that she attended the Select Board meeting where this was initially discussed. She  
17 acknowledged that Harry Seidel expressed concern that if an opinion was received that someone did not like  
18 they might go to the other firm. She stated that this was brought up because of land use issues with the  
19 current legal counsel. She stated that it was discussed that the primary use of Preti Flaherty would be land  
20 use issues, but it was stated by Alfred Hanson that if the need came up, they would be available for other  
21 matters. Mike Smith concurred with Karen's recollection. Karen Coyne stated that at no point in time did  
22 anyone say the only thing permitted to talk to them about was land use issues.  
23

24 Mike Smith presented the Preti Flaherty engagement letter that reflects the Town is paying for hourly  
25 services. He stated that the Select Board is being beaten up over this by a resident who insists the purchasing  
26 policy was not followed.. He stressed that everything was done correctly. James Gaffney noted that the letter  
27 of engagement does not say that Preti Flaherty will be the sole counsel for the Town. Mike Smith stated that  
28 there is one particular resident who says that this was done illegally. Mike Smith stressed that he did not hide  
29 anything. He stated that speaking as a resident he wanted to make this Board aware that this will be  
30 discussed at the next Select Board meeting. He stated that there will be a vote to remove them. Mike Smith  
31 stated that the Select Board told him that they will not vote for land sales.  
32

33 Mike Smith advised the Planning Board that he is frustrated. He stated that he is going to every board to  
34 voice his frustration. He distributed copies of an agenda posted at the Library, but not on the website. He  
35 stated that the library posting was modified with handwritten changes. He spoke about an email from Harry  
36 Seidel regarding contacting the previous auditors. James Gaffney explained that recently an Audit  
37 Committee was created as a result of the resignation of the town's auditing firm. He explained that  
38 membership consists of James Sherman, Robert Blake, Elizabeth Labbe, and himself.  
39

40 Mike Smith asserted that he is dedicating the next year and half of his term to bringing to light everything  
41 that comes forward. He stated that today a 91-A request came in regarding the Finance Director who  
42 claimed he did not know about the audit. Mike Smith stated that the documents in the 91-a request reflect  
43 that he did in fact know about the audit and the expectations of it.  
44

45 John Leavitt spoke about the significant cost that a new audit will cost. He stated that an audit is just the first  
46 step. He stated that the purchasing journal is a mess. He said anyone who is willing to keep the old auditors  
47 is just doing so to protect individuals who may not have been doing their job.  
48

49 Ian Rogers acknowledged that tempers are running high right now. He stated that there are many different  
50 problems going on right now. He encouraged the Planning Board to acknowledge that these are matters  
51 outside of the Planning Board's purview and he encouraged the Board to use this meeting time to discuss

1 Planning Board matters. Mike Smith stated that the legal counsel issue is a Planning Board issue. Karen  
2 Coyne agreed that the change of legal counsel is a Planning Board matter.  
3

4 Karen Coyne stated that regarding the audit issue, an email that came out today as part of the 91-A revealed  
5 that the previous auditors made 23 adjustments just to balance things. Mike Smith explained that they  
6 needed to make 23 adjustments before the audit so that they only needed to make 21 adjustments during the  
7 audit, which is what the law allows. James Gaffney stated that the previous auditors are on vacation until  
8 August. He expressed his concern about the Town's ability to find a firm to work with them without a firm  
9 commitment from the Select Board to address the underlying issues.  
10

11 Pier D'Aprile advised Mike Smith that people are listening. He spoke about his past request for a new Select  
12 Board ex-officio member. Pier D'Aprile stated that there is a significant trust issue in town, and it is getting  
13 worse. He spoke about his hope that Harry would focus on the bigger issues facing Warner. He stated that  
14 adding the HOP II agenda item was not necessary. He encouraged Harry to focus on getting the trust back.  
15 He stated that if it's not possible for Harry to achieve that, then maybe it's time to let someone else try.  
16

17 Bob Holmes expressed his confusion about this discussion occurring during this meeting. He stated that  
18 Upton & Hatfield has a good reputation as legal counsel. He questioned why the audit situation is being  
19 discussed during a Planning Board meeting. Karen Coyne explained that the Board cannot control the topic  
20 of public comment.  
21

22 Harry Seidel explained that loud voices or oppositional talk is not necessarily accurate or helpful. He stated  
23 that the auditor observed conditions in Town very similar to what has occurred in this meeting, and it is not  
24 helpful. He commended James Gaffney and the audit committee for their service. Harry Seidel stressed that  
25 yelling will not help, he stated that they have heard a lot of bluster tonight. He explained that there are only  
26 3-4 auditors to choose from. He stated that Vachon Culkay worked for the town for approximately 10 years.  
27 He stated that they are probably the best candidate to come to Warner. He addressed the issue of reposting  
28 the agenda that was modified in handwriting. He explained that the public hearing needed to be rescheduled.  
29 He stated that the online agenda does not contain handwritten edits. Karen Coyne stressed that at one point it  
30 was not online. Harry Seidel stated that they are doing the best they can.  
31

32 James Gaffney explained that the expectation is that the Town stick to the facts and follow the law. He  
33 believes that if that can be accomplished everything else will settle down. He stressed that this applies to  
34 Harry most of all. James Gaffney referred to statements that Harry previously made that were not accurate.  
35 James Gaffney said there are many people that Harry Seidel should apologize to. Mike Smith concurred.  
36

37 Karen Coyne stated that everyone has their own personal communication style, and no one is expected to  
38 follow someone else's style. She urged everyone to listen to the message rather than the style. Mike Smith  
39 explained why he is so loud and passionate. He stressed that he is frustrated with how things are going.  
40 He stated that he agrees with Mr. Gaffney and believes that Harry Seidel should resign.  
41

42 **James Gaffney made a motion seconded by Pier D'Aprile that the Planning Board request that the**  
43 **Chair of the Planning Board send a letter to the Select Board prior to the Select Board meeting**  
44 **tomorrow indicating that the Planning Board has good experiences with the law firm Perti Flaherty**  
45 **and would like to ensure that the Board continues to make them available to the Planning Board.**  
46 **Motion passed 5-2-0, Harry Seidel and Ian Rogers voted in the negative.**  
47

48 *Discussion on the motion:* Micah Thompson stated that he is new to town politics and part of the reason that  
49 he wanted to join this board was because of how he felt as a member of the public being yelled at by Mike  
50 Smith when he brought his concerns to the Select Board. Micah Thompson stated that he wanted it noted on

1 record that while he agrees with much of what Mike Smith is bringing up, he feels that Mike Smith is living  
2 in a really big glass house to be the person who is talking about respect between members of town boards.

3  
4 John Leavitt asked what the Select Board's response was to the initial letter requesting a new ex-officio  
5 member. Karen Coyne stated that a response has not been received. Harry Seidel stated that it is on the  
6 Select Board agenda for tomorrow's meeting.

7  
8 Barak Greene stated that going forward he would like the Planning Board to take this into consideration and  
9 set a good example for the town by doing their jobs correctly and efficiently. Micah Thompson and Ian  
10 Rogers concurred.

#### 11 12 **IV. NEW BUSINESS**

##### 13 **A. Introducing a Site Plan Amendment**

14 Barak Greene explained that his intention behind the Site Plan Amendment, is to make things clear and  
15 easier for the applicant. He spoke about making adjustments to language to clarify ambiguous language.  
16 James Gaffney agreed, stating that his position is that the rules should be written in a manner that anyone can  
17 understand. He would like the Planning Board to determine what criteria the Planning Board would consider  
18 to be minor enough to fall within this process. James Gaffney would like the Board to consider not putting  
19 all of the burden on the Land Use Secretary. He suggested a review by the Chair and Vice Chair. Karen  
20 Coyne stated that she would not be comfortable with just one person making that determination. She spoke  
21 about the benefits of a conceptual consultation.

22  
23 Ian Rogers asked for more clarification from Barak Greene regarding the biggest advantage of doing  
24 something like this. Barak Greene explained that the advantage is for the Town by streamlining the process  
25 by adding language to the regulation that essentially says this is going through the Planning Board and it is  
26 going to meet certain criteria. He stated this will make it simple and applicants do not have to stress about it.

27  
28 Bob Holmes views this as a burden on property owners/businesses by requiring a consultation. Karen  
29 Coyne acknowledges that there are times when it will be black and white and items that clearly would not  
30 require a consultation but there are many that will. Barak Greene noted there is a section (determination  
31 review requirement) that outlines an appeal process. James Gaffney suggested the Board could discuss  
32 removing some of the extreme examples. Barak Greene explained that he is trying to focus on a streamlined  
33 way of changing an existing site plan. He stressed there is a need to create a way of tracking those changes.  
34 James Gaffney would like to see a notation or running list of dates that a discussion occurred about a  
35 property. Ian Rogers appreciates the suggestions, he recommends reviewing the language of the Site Plan  
36 Review Regulations used to determine that threshold. Barak Greene stated that there is a lot of gray area, but  
37 in the end, it boils down to more of a commonsense approach. He would like the Planning Board to simplify  
38 the language to reduce the gray area. Harry Seidel expressed concern about the pressure this would put on  
39 Chrissy Almanzar (land use coordinator). He spoke about the benefits that conceptual consultation provides,  
40 being a nonbinding friendly meeting. He hopes the Planning Board will consider doing more conceptual  
41 consultations. Chrissy Almanzar feels that a determination application would make more sense if it came  
42 prior to the conceptual consultation. Then, the Planning Board could discuss the details at the consultation to  
43 determine the path forward.

44  
45 Barak Greene explained that he feels strongly that the Application for Determination of Site Plan Review  
46 should be changed to Application for Site Plan Amendment. James Gaffney is concerned about the Planning  
47 Board making a determination that could be construed as legally binding. Karen Coyne concurred. James  
48 Gaffney stressed that the Planning Board needs to be deliberate and careful within the context, understanding  
49 that the Planning Board is making a binding determination.

1 Karen Coyne suggested that when an application for determination is received, that could be an agenda item  
2 requiring a Board discussion. Barak Greene stressed that this provides a documented written procedure.  
3 Karen Coyne supports the change to Application for Site Plan Amendment. Barak Greene suggested the  
4 Planning Board start with this and look over the site plan amendment process and come up with ideas to be  
5 discussed at future work session. John Leavitt asked for clarification as to whether board members would be  
6 allowed to discuss site plan amendment applications outside of a meeting. Karen Coyne explained that it is  
7 appropriate as long as there is not a quorum. The Planning Board agreed to continue this discussion at their  
8 next meeting.  
9

#### 10 B. Guarantees for Infrastructure Improvements and Stabilization – Bonds

11 Barak Greene explained that the Town has three different regulations (Site plan, subdivision and excavation)  
12 that addresses using securities. He informed the Board that of the three the subdivision regulation is the one  
13 that conforms best to the law that was passed in 2023. He highlighted the language that requires a bond or  
14 security (when approval is given for major infrastructure prior to a sale or issuance of building permit).  
15

16 Barak Greene explained that before the Board begins using surety or bonds as is required by law the site plan  
17 and subdivision regulations need to be updated to comply with the law. He reiterated that the most in need of  
18 updating is the excavation regulation. He stated that he is only looking to update the regulation to comply  
19 with the current law. Karen Coyne stated that there will need to be two public hearings. Harry Seidel asked  
20 if the change is stricter than the original language. Harry Seidel expressed concern that the law does not  
21 require a bond or surety for road or utility construction.  
22

23 The Board discussed how and if this would apply to driveways, landscaping, roads/private roads. The Board  
24 agreed that they would need to consult legal counsel. Barak Greene stated that the State of New Hampshire  
25 has given bonds and sureties to municipalities as a tool to mitigate the negative impacts. He stated that the  
26 Town would be foolish to ignore that.  
27

28 James Gaffney asked if there is an update on the Boyer development. Harry Seidel stated that the Select  
29 Board has not heard from Boyer in a long time. Harry Seidel explained that a foundation was constructed in  
30 the location of the catch basin. Chrissy Almanzar stated that the Town has reached out but has not heard  
31 back from him.  
32

#### 33 C. Input for the Central New Hampshire Regional Plan **TABLED**

34 1- What are the key local issues to address in the plan? 2 - What are the most important planning, housing,  
35 transportation, natural resource, and land use issues for the Town? The Planning Board agreed to table Input  
36 for the Central New Hampshire Regional Plan until the next work session.  
37

#### 38 **V. UNFINISHED BUSINESS**

39 None  
40

#### 41 **VII. COMMUNICATIONS**

42 -Harry Seidel stated that the Select Board will be discussing the Burrington Builders property at the July 22,  
43 2025 Select Board meeting. Harry Seidel stated that the Select Board will be addressing the HOP II (sub-  
44 agreement, point of contact and reports for May and June). There was discussion regarding the Burrington  
45 Builders exemption status, condition of the building, history of events. There was a discussion regarding the  
46 contract on file and the requirement to come before the Planning Board.  
47

#### 48 **VIII. PUBLIC COMMENT**

49 None  
50

#### 51 **IX. ADJOURN**

- 1 The meeting adjourned at 9:15 PM.
- 2
- 3 Respectfully submitted by Tracy Doherty

DRAFT