



TOWN OF WARNER

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Planning Board Work Session Minutes

January 5, 2026, 7:00 PM

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

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

A. Proposal for Accessory Dwelling Unit

James Gaffney explained that it is his opinion that the only reason that the Planning Board is addressing the ADU ordinance is because the state law changed. He explained that he has submitted a starting point for the discussion. He stated that he would like to keep the edits concise and follow the state law. He suggested eliminating the current section on ADU's and replacing it with something that follows a format similar to what he submitted. Barak Greene explained that Warner has an accessory apartment previously voted on by the Town. He stated that if it were to be completely rewritten it would require a larger discussion. Barak Greene stated that the better stance would be to modify the existing ordinance to be in compliance with the state law. James Gaffney clarified that the state has rewritten the statute such that it overrides much of Warner's existing ordinance and he does not see the value in keeping what is currently in place. There was a discussion regarding the need to specify that only one ADU is permitted, and the minimum/maximum square footage for an ADU.

Ian Rogers appreciates Barak Greene's point that the voters voted on this. He stated that the language from the December 1st edit integrates the state changes but also standardizes some language. He advised the Board that the language was approved by NHMA. Bob Holmes clarified that the existing ordinance says an ADU cannot be less than 300 square feet and not more than 1000 square feet. He explained that the new state statute says the Town can make the maximum 750 square feet. He stated that proposed language does not include the minimum of 300 square feet. Karen Coyne questioned why anyone would care how small an ADU is. Bob Holmes explained that the building code says that a building permit cannot be issued for anything smaller than 500 square feet. James Gaffney stated that he does not see the value in a minimum requirement. James Gaffney asked for the opinion of Board regarding simplifying the ADU ordinance.

Barak Greene stated that it is the Planning Board's responsibility to respect what the town has previously voted on. Ian Rogers agreed with Barak Greene and reiterated that the previously proposed language has been reviewed and approved by NHMA. John Leavitt feels the existing ordinance should be edited to comply with the state law. He stated that RSA 674 is confusing. He expressed his disappointment with the State dictating what the town's ordinance should be. John Leavitt explained that the ordinance should be customized and kept as much like Warner as possible. He stated that the proposed language is good and much clearer. Pier D'Aprile stated that if the Board wants to bring this into compliance with the RSA the Board should review the ordinance so that it meets with all the changes, not just some of the changes. James Gaffney feels the ordinance needs to be streamlined. He stated that the reason for an ordinance is to provide a format for people to follow. James Gaffney stated that regurgitating what is in the current RSA does not really help. Karen Coyne stated that she is in the middle on this issue. She explained that she does not like regurgitating what is in the RSA. Karen Coyne opened the floor to public comment.

Ruth Rudiez (sp?) echoed the comments of John Leavitt. She supports streamlining it while keeping it in line with what Warner has expressed they want. She does not want it to be complicated.

The Planning Board began to review the proposed edits. James Gaffney pointed out the need to add language that clarifies that an ADU may be a new build or converted from an existing structure. The Board debated and agreed to keep the following *language* "*such structure shall not increase the nonconformity or introduce new nonconformities*". The Board agreed to remove section a.

James Gaffney made a motion seconded by Barak Greene to adopt E as amended (Accessory Dwelling Unit may be a new build or converted from an existing structure. Such structure shall not increase the nonconformity or introduce new nonconformities). Motion passed.

Barak Greene suggested adding the following language; "*The following definitions are being added to and edited in Article III of the current Zoning Ordinance*". The Board agreed that the adopted and amended dates should also be included. The Board agreed to condense the definition of Accessory Dwelling Unit to read as "*Accessory Dwelling Unit means an either attached or detached residential living unit that is appurtenant to a single-family dwelling and that provides independent living facilities for one or more persons, which includes provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. An accessory dwelling unit may be attached to the principal dwelling unit. ...*"

James Gaffney made a motion seconded by Barak Greene to adopt the Accessory Dwelling Unit definition as amended. Motion passed.

Barak Greene explained that the existing zoning ordinance Article IV, F needs to be amended to; Use Permit: No permit for the erection, exterior alteration, *moving or repair of any building, or accessory dwelling unit*, shall be issued until an application has been made for the certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this ordinance.

Barak Greene made a motion seconded by Ian Rogers to adopt Article IV as amended. Motion passed.

Article XIV-B, item A: The Board discussed revising the requirements for accessory dwelling units, item A to read as; "*The Accessory Dwelling Units accessory apartment shall be clearly incidental to the primary use of the property*".

James Gaffney made a motion seconded by Ian Rogers to adopt the amendment to the requirements for accessory dwelling units item A. Motion passed.

Item B: The Board discussed amending item B to read as “Only one accessory dwelling unit may be constructed per single-family dwelling, per lot.

Barak Greene made a motion seconded by Ian Rogers to adopt the amendment to item B. Motion passed.

Item D: The Board discussed amending item D. All Accessory Dwelling Units shall comply to setback requirements for the district in which the lot is located, *subject to E below*. The Board discussed combining Item D and E. James Gaffney spoke in support of combining the two for streamlining and clarity. Karen Coyne suggested the following amendment to combine item D and E.

D. Accessory Dwelling Unit may be a new build or converted from an existing structure. Such structure shall not increase the nonconformity or introduce new nonconformities

a. *All Accessory Dwelling Units shall comply to setback requirements for the district in which the lot is located.*

James Gaffney suggested the following language: ADU’s created from an existing structure shall not increase the nonconformity or introduce the new nonconformities. He feels that his proposed language is specific and reads clearer.

Barak Greene made a motion seconded by Ian Rogers to accept the amendment put forward by Karen Coyne.

Discussion on the motion: James Gaffney stated that he does not like the term such structures. Motion withdrawn.

The Board discussed adding “all applicable regulations of the Town of Warner” to item D section a. *All Accessory Dwelling Units shall comply to setback requirements and all applicable regulations for the Town of Warner and the district in which the lot is located.* The Board agreed to add all applicable regulations.

Barak Greene made a motion seconded by Ian Rogers to accept Item D as amended.

Discussion on the motion: John Leavitt asked for the amendment to be read, Barak Greene read the amendment.

Barak Greene made a motion seconded by Ian Rogers to amend the amendment of item D. Amendment passed.

Amended motion: Item D to read as follows:

D. Accessory Dwelling Unit may be a new build or converted from an existing structure. Such structure shall not increase the nonconformity or introduce new nonconformities.

a. All Accessory Dwelling Units shall comply to setback requirements and all applicable regulations for the Town of Warner and the district in which the lot is located.

Amended motion passed.

Item E: James Gaffney suggested individual ownership of accessory dwelling units shall not be permitted. The title shall be inseparable from the primary dwelling. Barak Greene offered “Conveyance of any accessory dwelling unit separate from that of the primary dwelling unit shall be prohibited”.

Barak Greene made a motion seconded by Ian Rogers to adopt the amendment to item E. Motion passed.

Item F: the Board discussed the following revision to item F. Accessory Dwelling Units may only be located on a lot where a single-family home is the sole use of the lot as permitted where allowed in TABLE 1 – USE REGULATIONS of this Zoning Ordinance. James Gaffney and Barak Greene offered the following; Accessory Dwelling Units shall be allowed by right on any lot where single-family housing is permitted or is already in existence.

Barak Greene made a motion seconded by James Gaffney to accept the amendment of item F. Motion passed.

John Leavitt was not present for the vote.

Item G: The owner shall not separately lease both the primary dwelling unit and the Accessory Dwelling Unit at the same time, nor shall an Accessory Dwelling Unit be permitted on leased land. Karen Coyne questioned if leased land can be built on by the lessee. Barak Greene supports removing this because Warner has a community land trust who exists to provide housing for people in the missing middle. Bob Holmes and Ian Rogers explained that that was added at the recommendation of the CNHRPC. Ian Rogers acknowledged that the committee did not discuss the ramifications to the community land trust. Ian Rogers explained that he is fine with removing it.

Barak Greene made a motion seconded by Ian Rogers to accept the amendment of item G.

Discussion on the motion: James Gaffney questioned if the word lease covers enough, he asked if *lease* covers the options of renting or gifting the use of. He explained that item G should specify that the owner must reside in the primary dwelling or the ADU. Barak Greene stated that would require an owner occupancy certification.

Barak Greene withdrew the motion to further discuss item G.

Bob Holmes stated that the Town should not require property owners to live in town. He spoke about those who have a vacation home and have an ADU. The Board discussed the enforcement of item G. Bob Holmes stated this would make the town's ordinance more restrictive than the RSA. Barak Greene agreed. He stated that there would need to be more discussion with the residents.

Ian Rogers made a motion seconded by Barak Greene to accept the following amendment of item G; “The owner shall not separately lease both the primary dwelling unit and the ADU at the same time.” Motion passed, James Gaffney voted in the negative.

Discussion on the motion: James Gaffney questioned the possibility of sub-leasing.

Item H: Accessory Dwelling Units may not be established in association with manufactured housing or townhouse style dwelling units.

James Gaffney made a motion seconded by Pier D’Aprile to accept the revision of Item H. Motion passed.

The Board reviewed the amended Use Regulations table.

James Gaffney made a motion seconded by Barak Greene to accept the amended Use Regulations Table. Motion passed, Ian Rogers abstained.

Barak Greene made a motion seconded by Ian Rogers to accept all of the amendments to the ADU ordinance and to take it to public hearing.

Discussion on the motion: John Leavitt stated that the title of the ordinance is Warner ADU Ordinance but throughout the document it is referred to as accessory dwelling unit. Barak Greene withdrew the motion.

Barak Greene made a motion seconded by Ian Rogers to revise the title of ordinance to reflect Warner Accessory Dwelling Unit Ordinance and to all of the amendments to the ADU ordinance and take it to public hearing. Motion passed.

Public hearing will be scheduled.

VI. REVIEW MINUTES December 15, 2025

Barak Greene made a motion seconded by James Gaffney to approve the Planning Board meeting minutes of December 15, 2025, as amended. Motion passed, Pier D'Aprile abstained.

VII. COMMUNICATIONS

VIII. REPORTS

Chair's Report- Chair, Karen Coyne

None

Select Board – Mike Smith

None

Regional Planning Commission - Ben Frost, Barb Marty

None

Economic Development Advisory Committee – James Sherman

New member of the EDAC is Micah Thompson.

Barak Greene made a motion seconded by Pier D'Aprile to replace James Sherman with Micah Thompson as the Economic Development Advisor. Motion passed

Agricultural Commission - James Gaffney

None

Regional Transportation Advisory Committee – Tim Blagden

None

HOP II Update – Bob Holmes

Bob Holmes stated that HOP II Committee received preliminary summary of the survey from 100 participants. He briefly summarized the results.

IX. PUBLIC COMMENT

None

X. ADJOURN

The meeting adjourned at 9:04 PM.

Respectfully submitted by Tracy Doherty