



TOWN OF WARNER

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Planning Board Work Session Minutes

February 16, 2026, 7:00 PM

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

I. OPEN MEETING: Vice Chair Barak Greene 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 arrived at 7:14 PM	✓	
Pier D'Aprile	✓	
Barak Greene, Vice Chair	✓	
Ian Rogers	✓	
Mike Smith – Select Board via Zoom	✓	
John Leavitt	✓	
Bob Holmes – Alternate	✓	
Micah Thompson – Alternate	✓	

Vice Chair Barak Greene noted that Karen Coyne Chair is absent. He adjusted the order of business moving the review of the minutes up next on the agenda. Bob Holmes was elevated to a voting member.

VI. REVIEW MINUTES: January 19, 2026

Pier D'Aprile made a motion seconded by John Leavitt to approve the Planning Board Meeting minutes from January 19, 2026 as amended. ROLL CALL VOTE Rogers YES Leavitt YES D'Aprile YES Greene YES Smith ABSTAIN

III. PUBLIC COMMENT

IV. NEW BUSINESS

A. SB 281: Building on Class VI Roads

1. Recommendations to the Select Board Regarding Building on Class VI Roads
2. Compliance Discussion Regarding Subdivision Regulations
3. Discussion on Zoning Controls Regarding Subdivision Regulations

Barak Greene explained that this is a discussion regarding RSA 674:44 11-c, last year the state gave the green light allowing building to occur on Class VI Roads. He stated that the town must produce a waiver that indicates the Town is not responsible for maintaining the road or town services to the road. He noted that the property owner must provide proof of insurance. Bob Holmes clarified that proof of insurance is not required but proof the property is insurable. Micah Thompson stressed that a mortgage will be nearly impossible to acquire if the property does not have insurance. Micah Thompson questioned who is responsible for snow plowing. He stated that more clarity is needed. Barak Greene noted that the Town does not have a choice and must allow it. Bob Holmes explained that the waiver releases the town from any responsibility. Barak Greene clarified that this RSA allows someone to get a building permit. He explained that it does not relate to a subdivision. He clarified that the Town cannot completely wash their hands of this because if a house was on fire, the fire department would try to make an effort to put out the fire. Ian Rogers

1 spoke about the Select Board's existing Class VI Roads rules, noting that there is a procedure for
2 determining if emergency services should respond. Ian Rogers stated that according to the existing rules they
3 can hold a public hearing to discuss an emergency lien. Bob Holmes explained that the Select Board's rules
4 from 2015 basically required the builder to bring the Class VI Road to Class V standards to receive the Select
5 Board's permission. He stated that the recent change in the RSA has done away with the Select Board's
6 ability to do any of that. James Gaffney believes that that will eventually be challenged in court. He stated
7 that the Town can spend money to fight it or it could adopt a policy that is more consistent with what the
8 RSA says.

9
10 Barak Greene explained that he would like the Board to break the document up into portions and start by
11 focusing on the Town's existing policy: the Select Board document. He stated that the document does not
12 align with the clause. Barak Greene stated that in the existing document, language preventing construction
13 could be removed and replaced with the following: *Construction on lots fronting a Class VI highway must*
14 *comply with RSA 674-41 1(c). The Town shall not deny a building permit solely due to Class VI frontage*
15 *where the statutory acknowledgement has been reported. This policy does not constitute a road acceptance*
16 *or maintenance obligation.* Barak Greene stated that the requirement to upgrade to Class V needs to be
17 removed. James Gaffney stated that the policy will need to reflect Town services that are afforded to homes
18 on Class VI Roads. Ian Rogers agrees with the suggestions from Barak Greene.

19
20 Barak Greene explained that the Planning Board does not have the authority to involve itself in the taxation
21 of property but the point that James Gaffney made regarding town services is absolutely something the
22 Select Board should take into consideration. James Gaffney stated that the Planning Board should
23 recommend that Town services (emergency services) should be extended to Class VI properties unless there
24 is a reason to deny. Micah Thompson stated this is convoluted and difficult to apply regarding taxes for Town
25 services. Bob Holmes explained that a Class VI Road would affect the property assessment verses a home
26 on a paved road. Micah Thompson reiterated his concern regarding implementation of the revised RSA and
27 how the town will tax according to the services the property can receive. James Gaffney stated that the
28 Planning Board's recommendation to the Select Board should include a list of things that should be given
29 consideration (such as taxation based services provided). Barak Greene spoke of the importance of knowing
30 what the minimum is for a fire truck to maneuver on a Class VI Road. The Planning Board discussed road
31 standards and upgrading from a Class VI Road. John Leavitt stated that the standard for upgrading a Class VI
32 Road should be the Class V Road standard. Micah Thompson agreed. Bob Holmes explained that the current
33 policy states that the Class VI Road only needs to be passable. James Gaffney reiterated that the law
34 specifies that as long as a couple of conditions are met the Select Board must approve a building permit. He
35 noted that that is separate from emergency services. James Gaffney suggested the following language as a
36 recommendation to the Select Board; *If a property owner expects to build a house and be provided with*
37 *emergency services regardless of the road classification, it needs to be maintained in manner that is*
38 *consistent with Class V Road standards.*

39
40 Section IV: A, 2; Preservation of Natural and Cultural Features

41 Barak Greene explained that many of the Class VI Roads are very close to sensitive ecological areas. He
42 questioned the scenario of a lot, subdivided on a Class VI Road, and whether the Planning Board has the
43 authority to require the road to be upgraded, and if they can ask whether upgrading the road would damage
44 the environment. James Gaffney believes the answer is no, the Planning Board does not have the authority
45 to say no, as long as zoning requirements are in compliance. Bob Holmes pointed out that the applicant
46 would need Select Board approval to upgrade the road.

47
48 Section IV: A, 6; Off-Site Improvements

1 Barak Greene stated that this is the most significant. He stressed that the Town cannot require improvement
2 of a Class VI Road as a condition of building on an existing lot. He explained that RSA 674:36 does allow
3 the Town to require improvements that are proportionate and rationally connected to the impacts created by a
4 subdivision. He does not want to inhibit developing Class VI Roads. James Gaffney cautioned that
5 ownership of Class VI Roads could be in question. Bob Holmes acknowledged that Class VI Roads are a
6 public right of way and property owners with the permission of the Town can put up gates, but the gates
7 cannot be locked. James Gaffney explained that that goes back to enforcement by the Select Board. He
8 stated that this Select Board has not enforced much on Class VI Roads. Barak Greene suggested discussing
9 what constitutes a non-maintained road, which is still public property, versus a private road. James Gaffney
10 cautioned against involving the Planning Board in that determination. Barak Greene feels that it would
11 benefit the Town if it were possible to define and quantify public versus private roads. Ian Rogers agreed
12 with Barak Greene. Bob Holmes explained that a tremendous amount of research would be required to
13 determine ownership of Class VI Roads. Ed Mical advised the Board that the Town (DPW) has a book/list
14 of all roads in Warner including discontinued roads. Mike Smith concurred that the book is located in the
15 DPW office.

16
17 Barak Greene questioned if the Board wanted to recommend a language change regarding the term
18 “passable”. The Planning Board discussed whether with a minor subdivision, if applicants should be
19 encouraged to upgrade the road to Class V standards, or should the term “passable” be left. Ian Rogers
20 stated that Barak Greene’s point makes a lot of sense separating the difference between one person who
21 wants to build a home versus a developer of more than one home who wants to make a buck. James Gaffney
22 stated that it is not the Planning Board’s responsibility to make judgements like that. He cautioned against
23 make assumptions and broad characterizations. Barak Greene stated that everyone is guilty of a small
24 amount of assumptions and he apologized. He noted that the Board needs to respect what landowners want to
25 do with their property and it is not the Planning Board’s place to tell them what to do beyond what is in
26 Warner’s Ordinances and Regulations. James Gaffney explained that statements like that could be used
27 against this Board. Ian Rogers clarified that he was referring to a hypothetical situation and it was not a
28 specific case. Barak Greene stated that he would like to move on.
29 Bob Holmes explained that he has concerns about putting too much emphasis on upgrading a Class VI Road
30 at the owner’s expense.

31
32 Section IV: A,7 Fire Protection Requirement

33 The Board reviewed the language pertaining to the Fire Protection Requirement. Barak Greene explained
34 that there should be something added to Warner’s Subdivision Regulations for the case of minor subdivisions
35 with houses. He stated that at the very least, there should be some verbiage that references RSA 674:41 1(c).
36 The Board agreed. John Leavitt noted that the deed will reflect that for future owners.

37
38 Section IV:A, 9 Substandard Streets

39 Barak Greene explained that if an applicant is going to upgrade a road to a Class V Road, they will need to
40 consider deeding over a portion for the right of way.

41
42 Barak Greene stated that it seems like everyone is in agreement with the idea of allowing minor subdivisions
43 so that people can build on Class VI Roads. He suggested the Planning Board consider this a zoning
44 opportunity to put some guard rails in place to maintain what makes Warner, Warner. He inquired about a
45 limited overlay district like the corridor’s roads in R-3, OR-1 and ORC, which would potentially get an
46 easier subdivision approval, if it met certain requirements. Barak Greene stated that in an effort to maintain
47 character, he suggested allowing 5-10-acre lots separated by common area. James Gaffney noted that the
48 current restrictions for building and subdividing in those districts are already ample. James Gaffney stated
49 that once a property is subdivided, you cannot go back for a second bite.

1
2 Ian Rogers appreciates Barak Greene's thinking and added that he agrees that it is something to consider.
3 Bob Holmes stated that he agrees with James Gaffney that the existing restrictions are sufficient. Barak
4 Greene explained that property owners now have the opportunity to subdivide a portion of their land and sell
5 it to someone who wants to build a home in a rural setting. He stated that providing a mechanism for those
6 people to do that would also be a benefit to the Town by bringing in additional revenue. Pier D'Aprile spoke
7 about an issue of the Town needing to look at revenues, given the tax increases. He stated that it is not in the
8 Planning Board's purview to consider that.

9
10 Pier D'Aprile recognized the State's intention, Micah Thompson agreed. James Gaffney explained that this
11 goes two ways, while taking action to protect private property rights, the fact that gets lost is that zoning
12 ordinances are voted on by residents of Town. Barak Greene believes that it would be a benefit to the town to
13 make it a little easier for property owners to do what they want with property. James Gaffney stated that
14 reducing taxes would be a benefit. Barak Greene is hoping that this would be a small opportunity for the
15 town to do something that keeps Warner, Warner and provides an avenue to utilize property. James Gaffney
16 stated that he keeps hearing people, who do not own property or pay property taxes, talking about increasing
17 property taxes. John Leavitt made the point that the State every year has taken away towns' zoning rights. He
18 stated that that is going to continue. He stated that maintaining the character of the town is eventually going
19 to be impossible. Pier D'Aprile spoke about a multifamily project in a commercial zone and the Zoning
20 Board said no. He stated that that will most likely be overturned. Ian Rogers spoke about other communities
21 who are facing the same kind of issues that Warner is. He noted that it is a systemic problem across the State.
22 Barak Greene stated that in the grand scheme of things, Warner's problems are not that bad. John Leavitt and
23 James Gaffney disagreed. James Gaffney stated that Warner has one of highest municipal tax rates. Micah
24 Thompson stated that what the Planning Board does now will impact the Town many years to come.

25
26 Pier D'Aprile stated that Warner should be encouraging small businesses to come to town to fill vacancies.
27 Barak Greene stated that they cannot prevent change but they can implement guard rails to allow Warner to
28 grow in a direction that Warner residents are comfortable with.

29
30 The Planning Board agreed on the following Action Points:
31 Draft a letter to the Select Board; Barak Greene will put together a rough draft for the Board to review.
32 - removing language preventing construction
33 - removing the requirement to upgrade to Class V
34 - adding- the Select Board should consider the tax value to a Class VI Road pertaining to the amount of town
35 services available.
36 - including- if you want town services, maintain the road to Class V standards
37 - minor subdivision- further consideration and discussion by the Planning Board is needed

38
39 **V. UNFINISHED BUSINESS**

40 None

41
42 **VII. COMMUNICATIONS**

43 None

44
45 **VIII. PUBLIC COMMENT**

46 None

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48 **IX. ADJOURN**

49 The meeting adjourned at 8:33 PM.

1 Respectfully submitted by Tracy Doherty

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DRAFT