TOWN OF WARNER
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DRAFT Planning Board Work Session Minutes

October 19, 2026 7:00 PM
Lower Meeting Room Warner Town Hall 5 E Main St

OPEN MEETING: Chair Karen Coyne called the meeting to order at 7:04 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	✓	
Bob Holmes	✓	
Mike Smith – Select Board	✓	
John Leavitt	✓	
Micah Thompson– Alternate	✓	
Vacant – Alternate		

III. PUBLIC COMMENT

None

IV. UNFINISHED BUSINESS

Public Hearing Continued – Site Plan Review
Applicant: Tom Frutado, CATCH Neighborhood Housing
Owners: Comet, LLC – Adam Quinn
Agent: Benjamin Osgood, P.E., Ranger Engineering Group, Inc.
Address: Route 103 West, near Rt. 89 exit 9
Map/Lot: Map 35, Lot 4-3
District: C1 Intervale
Description: Site plan review for 34-unit workforce housing

Karen Coyne opened the continued hearing. Tom Frutado and Alex Panagiotakos and Ben Osgood via Zoom addressed the Planning Board. Ben Osgood recapped that at the last meeting the revised plan was presented and reviewed. He noted that George Holt from Aries Engineering has now completed his review of the plan. The Planning Board discussed the Aries Engineering report.

Pier D'Aprile asked George Holt to elaborate on the traffic recommendations. George Holt explained that originally Aries recommended that a traffic study be reviewed, but the DOT will issue driveway permit, and the DOT will address the passing lanes, turnout lanes and other things like that. He stated that if a traffic study is needed they will require that. Pier D'Aprile inquired if the DOT would hold public meetings on that. George Holt explained that the DOT issues the permit and that is all, he stated that the public can

respond to that permit. Pier D'Aprile stated that previously there was an approval for a 24 unit project. He stated that now a traffic study should consider the residential housing in the commercial district and now there is less parking than the town ordinance allows. He thinks that it would make sense if the DOT did a study that it should take those factors into consideration. George Holt stated that the Planning Board could require the applicant to do a new traffic study independent of the DOT. James Gaffney asked what the likely hood is given the proximity to the traffic circle. George Holt state that he could not speak for the DOT. James Gaffney inquired if the DOT does require a modification who would be responsible for that. George Holt stated that it would be the responsibility of the applicant.

Pier D'Aprile spoke about the recent changes to the State law, and the impact on the town. He stated that the State may not have the local knowledge of an area. Pier D'Aprile recalled the tragic death of an 8 year girl who was hit while her bicycle in the area. He stressed the need for the DOT to consider the history and local knowledge of the area.

Ben Osgood explained that the DOT will dictate if a traffic study is needed and they will also dictate what is to be studied. He advised the Planning Board that the application has been submitted to the DOT. He stated that the DOT will schedule a scoping meeting to discuss their concerns. Ben Osgood explained that the next step is to begin the traffic study. He stated that the DOT will study accident reports in the area. Karen Coyne noted that the Planning Board can still require a traffic study. James Gaffney requested that the Planning Board be notified when the scoping meeting and any other meetings are scheduled.

Bob Holmes asked if George Holt is satisfied with the answers he received from the applicant. George Holt explained that he is but there is one outstanding concern relating to the access around the building. He spoke of his concerns that the building is not accessible all the way around. Bob Holmes asked if the Fire Department could access the eastern half of the site by way of the neighboring lot's driveway. George Holt stated that would be a question for the Fire Department but it would be best to have access from the site frontage to the entire building. Bob Holmes stated that the Warner Fire Chief expressed concern regarding the turning radius not how close they could get to the building. Barak Greene asked George Holt if his concerns are in line with the standards established by NFPA or the IFC or is it his personal opinion. George Holt stated that it is his personal opinion. Tom Frutado assured the Board that anything the state fire marshal says he wants for access they will provide. He explained that it is their intention to follow what the state fire marshal wants. Karen Coyne asked who would involve the state fire marshal. Ben Osgood explained that the state fire marshal will not review the plan, the authority goes to the local fire chief who could consult with the office of the fire marshal.

James Gaffney asked George Holt for his thoughts on the concerns raised by the WRLAC about run off from the site and the potential impact on the town's wells. George Holt stated that the principal threat is the parking lot that will be treated with winter salt. He stated that a winter management plan using safe sanding and salting practices should be implemented. Ben Osgood stated that will be done. James Gaffney suggested adding the plan for safe sanding and salting to the list of potential conditions.

Pier D'Aprile that it is incumbent on the Planning Board to ensure that this is done right and does not create a safety issue. Pier D'Aprile stated that the fire marshal may or may not know that Warner does not have a ladder truck or that this is the largest residential building in the history of Warner. He stressed that not having a ladder truck is a big issue and not having complete access around the building is an even bigger issue. Pier D'Aprile explained that an abutter has claimed that there is a right of way issue with the deed. He stated that

the right of way issue needs to be addressed before the Board can make decision. Karen Coyne pointed out that RSA 674:59 does absolutely say that paragraph 1 shall not be construed to require municipalities to allow workforce housing that does not meet reasonable standards or conditions of approval related to environmental protection, water supply, sanitary disposal, traffic safety and fire and life safety protection. Bob Holmes advised the Board that he spoke to a hydrologist at the NHDES regarding the concerns of the WRLAC and he was told that he should not be concerned. Mike Smith objected that Bob Holmes' last statement is introducing an opinion of someone the Board does not know their name and that should be stopped. Karen Coyne stated that hearsay is not going to be allowed. Mike Smith stated that conversation was not a Board conversation and it should not come into this discussion.

Barak Greene asked if the Planning Board has a letter that suggests that the application meets the requirement including the fire department and the highway department. He inquired if a condition of approval should be the receipt of a letter from the Fire and Highway departments. Ben Osgood explained that the DOT will make sure that the driveway is safe in their opinion. He stated that the Fire Department has reviewed the plan and could be asked to speak more specifically to the code that he has cited that says the project does comply. Ben Osgood explained that the AOT will conduct a rigorous review on the drainage and environmental impacts. Ben Osgood stressed that that no one will write a letter to the Board claiming that the development is safe forever, he stated that they will write that development meets their requirements that are deemed to protect the safety and welfare of the community. Karen Coyne noted that the Board does not have anything that the project meets all the standard.

John Leavitt stated that he would like to know when this application process is going to stop. He noted that the Fire Department has had ample time to review the plan. He stated that the only concern from the Fire Chief was the turning radius. John Leavitt asserted that in his opinion it seems that people are looking for a reason to deny this application. He explained that the applicant has bent over backwards to meet all the requirements. He feels that it time to put an end to this and the Board should make a decision tonight. Karen Coyne explained that this is first meeting that the Board has received the final plans. She stressed that the Board has not delayed the process. John Leavitt disagreed reiterating that this final plan addresses the concerns of the Board that have been discussed in previous meetings.

Pier D'Aprile disagreed, noting that the Board just received Aries Engineering report on October 16th. He believes that it is the Planning Board who has bent over backwards. Pier D'Aprile stated that as this progresses it gets worse and worse. He stated that the engineer is very concerned about fire safety and he asked that the fire marshal weigh in. John Leavitt disputed that noting that the engineer did not say he is very concerned he stated that he some concern about it. Pier D'Aprile stated that another area of concern is the traffic study. He explained that there has not been a traffic study done with a multifamily housing in this area. Pier D'Aprile objects to the notion that the Planning Board is dragging their feet. He referenced the workforce housing ordinance. Pier D'Aprile explained that the town approved a 24 unit project in 2022 under Michael Quinn but this design is significantly different from the previous project. He stated that is why he continues to struggle with this. He feels that they have been too lenient with this application. Mike Smith agreed.

Micah Thompson stated that he agrees with John Leavitt. He feels this process is being drawn out in several ways. He explained that as a builder he deals with planning and zoning boards in other communities and the process moves along much faster than it does in Warner. Micah Thompson suggested give the applicant a sense of which way the Board is leaning as this is the fourth or fifth time they have come to the Board.

Tom Frutado explained that the final plans were submitted, then approximately 60 days ago the town engaged Aries Engineering to review the plans. He stated that each time the engineer came up with comments and concerns they addressed them. Tom Frutado stated that the State will tell them what needs to be done through the DOT, AOT and the Fire Marshal. He informed the Board that Ben Osgood has been working with George Holt to address his concerns/comments. Tom Frutado spoke about the fire access concerns, stressing that their engineer is of the opinion that the design meets the fire standards. He assured the Board that any fire concerns would definitely be addressed. George Holt agreed that he had a few minor comments that the applicant did address.

Bob Holmes agreed with John Leavitt, noting that the process is dragging on, rehashing the same issues that have been discussed. He believes that the NH DOT will do their job. Bob Holmes does not agree that a new traffic study is needed because a study was previous done in the area. He stated that the Warner Fire Chief has not expressed concern that he could not put out a fire. Bob Holmes agreed that some are looking for reasons to deny the application.

James Gaffney explained that there is a process to follow. Mike Smith stated that the applicant has done a great job. He finds areas that he agrees with John and Bob but he is here to oversee that this is done correctly for the citizens of Warner and follow the letter of the law. Mike Smith believes that is the intention of everyone on the Board. He does not want to rush through the process. Mike Smith agrees that a traffic study is needed. He expressed concern about the fire safety issues. Mike Smith stated that he is concerned that the Board is receiving materials on the day of the meeting. Ben Osgood asserted that he received the comments from George on Friday and he had little time to respond for this meeting.

Pier D'Aprile explained that the previous traffic study included a first floor retail and that traffic study cannot be relied on for this. He stated that the pervious traffic study was assuming two and a half parking spaces and this project is for one and a half parking spots. He does not believe there is adequate parking which will mean more pedestrian traffic. He stressed that this should be studied by the professionals. Tom Frutado clarified that they are not proposing first floor retail. Karen Coyne stated that RSA 674:80 IV expressly authorizes municipalities to require all available ground floor space or a percentage of to be dedicated to retail or similar uses. Barak Greene explained that the new state law passage did not give towns enough time to make the necessary changes to local ordinances. Karen Coyne explained that she consulted NHMA and was advised that local municipalities can require ground floor space to be dedicated to retail space regardless of whether it is in the town ordinance or not. Barak Green stated that he would lean into the fact that there was not enough time for it be on the 2026 ballot. He feels that the town should have the opportunity to vote on it rather than trying to attach it to some ordinance. James Gaffney suggested reading the RSA. Karen Coyne read the following;

674:80 IV a municipality may require all available ground floor space or a percentage thereof to be dedicated to retail or similar uses.

Karen Coyne reiterated that NHMA has advised her that this does not have to be a part of the local ordinance as long as it applied fairly and equally. She stated that it expressly authorizes municipalities to be able to require that and the condition in this case would be tied to preserving the commercial character and economic function of the district while remaining objective and enforceable. Barak Greene explained that the interval district was set aside not just as c commercial district but as commercial district around exit 9.

Pier D'Aprile spoke about his suggestion to institute a building moratorium in the interval district relating to RSA 674:23. He referenced three reasons that would apply; 1. Update zoning ordinances 2. Update the Master Plan and 3. Capital Improvement prosperity. Pier D'Aprile stated that under capital improvement there could be a financial impact under RSA 674:24 as it relates to a ladder truck and infrastructure improvement. Pier D'Aprile explained that there is another thing that qualifies under RSA 674:21 is the impact on police. He stated that the proposed development would increase the town's population and it is incumbent upon the Planning Board to study what type of financial impact would be on the town. Pier D'Aprile stated that the applicant has been given several months and it is clear that there is a lot of work that needs to be done. He would like this Board to be proactive not reactive. He reiterated that he believes there should be a moratorium on development in the interval district and the Board should consider the following; updating zoning ordinances, update the Master Plan and study capital improvement prosperity.

Bob Holmes explained that he does not agree. He does not feel that a moratorium is necessary, he thinks it is late in the process because the Board knew at the very beginning that a retail space is not in there plan. Bob Holmes stated that it would be placing impossible hurdles on the applicant. John Leavitt explained that changing the Town's ordinance at the next town meeting is not proactive, it is reactive to this application. John Leavitt read the first sentence of the workforce housing ordinance; *is to encourage and provide for the development of affordable workforce housing within Warner*. He stated that nothing could be further from the truth in this town. He stated that every time this comes up for discussion there are people who say we don't need that. John Leavitt stressed that it is in the town's ordinance, to encourage and provide for the development of affordable workforce housing within Warner. John Leavitt agreed with Bob Holmes that there are people on this Board who trying to put hurdles in front of this applicant. Karen Coyne cautioned the Board not to imply that other Board members are trying to do something. She encouraged everyone to speak their opinion and messages without slander others. John Leavitt stated that he is not slandering anyone.

Pier D'Aprile stated that he could not disagree more with John Leavitt. He explained that back in the spring Central New Hampshire Regional Planning Commission did a housing survey in Warner and found the average apartment rent is $1500 - $1700 per month or more. He explained that this project will collect $1900 - $2000. Pier D'Aprile stated that this project does not bring affordable housing to Warner, it is more expensive. Pier D'Aprile questioned how this is affordable housing. Pier D'Aprile stated that this will raise the cost for 99% of the people in this town.

Pier D'Aprile stated that a year and a half ago the update to the Master Plan stopped because of HOP II and they have yet to see any results from HOP II. He stressed that this Board has been waiting for the results from HOP II to allow the updating of the Master Plan. Micah Thompson asked how the town would count the current population. Pier D'Aprile stated that would need to be determined. He stated that he does not want to rush something through and have problems with police, fire, the right of way issue, Eversource not responding, the retail space issue or the shallow wells for the municipal water. Micah Thompson stated that the engineer addressed most of those concerns.

Barak Greene asked if the town would need to vote on the moratorium. Pier D'Aprile confirmed that it would require a town vote and the town could hold a special meeting. Pier D'Aprile stated that it is not a tool to prevent development, it is a pause for 12 months maximum to allow the Board to work through these issues.

Barak Greene questioned how to proceed if the town does not approve the moratorium. He asked if the Planning Board should approve the application with the condition of the town vote on the moratorium. Micah Thompson inquired if Warner has ever done this before. Mike Smith explained that it can be done but it has not been recently in Warner. Micah Thompson expressed his reservations about the Town's ability to move so quickly to apply it to this application. Karen Coyne confirmed that this application would pause while the Board takes up to a year. She stressed that realistically the town will not be able to pull together a special election in two weeks. James Gaffney questioned what would be a realistic time period. Mike Smith suggested 30 days. He spoke about the rules for holding a special election and the challenges the Town would need to navigate.

George Holt cautioned that the application was submitted and accepted by the Board previously. He stated that the application is subject to the rules of the Town at the time it was submitted. He stated that the Planning Board cannot apply new rules to this application. Karen Coyne explained that a month ago when Pier D'Aprile raised this question the Board was advised that the moratorium could apply to any application in the process. Pier D'Aprile reiterated that he is suggesting the Town update its master plan, review the workforce housing ordinance, possibly review a charrette, traffic study and establish setbacks for housing in a commercial district. Pier D'Aprile believes there is enough to justify a building moratorium.

Barak Greene stated that RSA 674:23 states that; *additional ordinances may be adopted under this section only if they are based on circumstances that did not exist at the time of any prior ordinance. The authority to adopt ordinances under this section shall not be used to circumvent a municipality's need for a growth management ordinance under RSA 674:22*. Barak Greene asked if the Town has a growth management ordinance. Pier D'Aprile explained that the does not have a growth management ordinance but the Board should look at the impacts on the police and the lack of a ladder truck. He noted that this is the largest housing development in the history of Warner. Karen Coyne reiterated that RSA 674:59 IV require municipalities to allow workforce housing that does not meet reasonable standards or conditions of approval related to environmental protection, water supply, sanitary disposal, traffic safety and fire and life safety protection. James Gaffney noted that for the time being the traffic issue is out of their hands until the DOT makes their determination. Karen Coyne explained that the Planning Board can still require a traffic study unrelated to whether the DOT wants one or not.

Pier D'Aprile made a motion seconded by Mike Smith that the Planning Board shall immediately institute a building moratorium in the interval district and have the legislative body of Warner to vote for approval or denial.

Discussion on the motion: John Leavitt stated that this is an obvious or will be construed by the general voting public who will be voting on this if it gets passed as an attempt to kill this particular application. He stated that it is not the right thing to do. John Leavitt understands the concerns that Pier has raised. He stated that if this goes to a town vote it will pass. Karen Coyne stated that this is a pause not a stop. John Leavitt reiterated that it will be perceived as a block. He stated that this is a reaction to an application and it is not being proactive. Mike Smith explained that he needs more input. He stated that he wants to hear from the residents. Bob Holmes stated that Warner has a workforce housing ordinance in place that was voted in by the residents of Warner. Bob Holmes does not support a moratorium after an application has been submitted after following the existing ordinance. He stated that it is not reasonable. He explained that in his opinion if there was not an existing application for the interval district and a building moratorium was proposed that would be a more appropriate time to consider a moratorium.

Karen Coyne cautioned the Board about stating an opinion as a fact. Bob Holmes asserted that he did expressed his opinion, he asked if Karen Coyne understands English. James Gaffney stated that Bob Holmes comment was uncalled for. Barak Greene stressed that the Board needs remain professional. Pier D'Aprile stated that he cannot control other people's perceptions. He stated that his position is based on facts and the application does not comply with the ordinance. He feels that it is the Boards responsibility to adapt to the new changes and modify our ordinances to ensure that this is done for the public safety. Pier D'Aprile stated that there was a young girl killed in that area. He explained that currently there are 25,000-30,000 cars per day on weekends around the rotary. He stated that this development will only increase that.

Barak Greene explained that the town's ordinances do not prohibit apartment buildings or box stores. He stated that the town services currently do not meet what the ordinance allows because of the hiring challenges. He stated that he is struggling with a moratorium on something that the ordinance allows for. Barak Greene explained that he would have been more intrigued if the Planning Board required commercial space on a multifamily development pursuant to RSA 674:80. Barak Greene explained that a box store has been approved and the Board cannot say now that is not permitted. He spoke about the approval of the Dunkin Donuts and a subdivision. Barak Greene stated that the traffic circle was constructed with the intent of developing the area. He stated that a moratorium is not going to resolve this problem and this is something that the town needs to accept. Pier D'Aprile reiterated that this does not comply with the ordinance. He stated that the issues need to be resolved.

Barak Greene would like to make an amendment to the motion. Pier D'Aprile agreed to hear the amendment.

Barak Greene proposed an amendment to the motion seconded by ?? to add language that clarifies that the moratorium does not involve any previously approved applications. Roll call vote Gaffney abstain, D'Aprile YES, Leavitt NO, Smith YES, Holmes NO Greene YES Coyne Yes
Motion Passed 4-2-1

Amended motion: Pier D'Aprile made a motion seconded by Mike Smith that the Planning Board shall immediately institute a building moratorium in the interval district and have the legislative body of Warner to vote for approval or denial. This does not involve any previously approved applications. Roll Call Vote Gaffney abstain, D'Aprile YES Leavitt NO Smith YES, Holmes NO, Greene NO, Coyne YES Motion Tied 3-3-1

The Board resumed discussions pertaining to RSA 674:59, Barak Greene outlined that there are still questions relating to the traffic, police, fire and ambulance.

James Gaffney made a motion seconded by Barak Greene to not require an additional traffic study beyond what the state is going to mandate. Roll Call Vote Gaffney NO D'Aprile NO Leavitt YES Smith NO Holmes YES Greene YES Coyne NO Motion Failed 3-4-0

Discussion on the motion: Pier D'Aprile stated that it is premature to come to that conclusion without knowledge of what the State will do. Mike Smith agreed, he would like to see a study of some nature because of the changes in the area.

The Board resumed discussions pertaining to RSA 674:59, James Gaffney stated that ambulance service is contracted with the Town of Hopkinton and currently there are no other alternatives. James Gaffney stated that in regards to ambulance, police and fire it is the same service that everyone else in town has.

Pier D'Aprile pointed out that Warner does not have impact fees, but under RSA 674:21 the town could consider off site exact exactions and assign a proportional share of the exact upgrades to a project. He explained that if this project increases the population over 3,000 another traffic study may be necessary and a proportionate amount could be assigned. Pier D'Aprile stated that is another example of the work that should be done by this Board. Barak Greene stated that is a really big IF, and there is no evidence that they won't have more than one person per apartment. He stated that the current population could be over 3,000 now. Bob Holmes believes the case law has decided that a single application cannot be blamed. Pier D'Aprile explained that it is proportional not the entire cost. He reiterated that there is work to be done and the Board has not done the work. James Gaffney suggested the information could be extrapolated from the number of building permits that have been completed and assuming one person per residence. He acknowledged that it would be an estimate.

Karen Coyne asked the Board to look at RSA 674:80 noting that the town has not had the opportunity to weigh the impact of RSA 674:80. James Gaffney explained that towns do not get to weigh in. He stated that it was passed by the legislature and signed by the Governor. Pier D'Aprile spoke about updating the town's ordinance, Karen Coyne stated that the Town does not have to update the ordinance. Karen Coyne attempted redirected the conversation to 674:80. Other conversations were occurring relating to parking requirements.

Karen Coyne explained that being the proposed development is located within the commercial district, and that maintaining active ground floor commercial use is consistent with the purpose and character of the district pursuant to 674:80 the Board may require all available ground floor space or a percentage of it to be dedicated to retail or similar use. She stated that if the Board finds that it is appropriate to preserve the commercial activities stated in the ordinance for the interval district while still accommodating multifamily residential development.

Karen Coyne made a motion seconded by Pier D'Aprile that pursuant to RSA 674:80 IV the Board requires all available ground floor space or a percentage of it to be dedicated to retail or space similar use. Roll Call Vote: Gaffney YES D'Aprile YES Leavitt NO Smith YES Holmes NO Greene Abstain Coyne YES Motion Passed 4-2-0

Discussion on the motion: Mike Smith asked if that was included in the previous application. Tom Frutado explained that retail space was not included in the original 2022 application.

Mike Smith stated that the interval district is intended to be retail. Karen Coyne agreed and she noted that she believes that by requiring available ground floor space is appropriate to preserve the commercial activity within the interval district while also accommodating multifamily. Mike Smith explained that he trying to preserve what the town was trying to do.

Karen Coyne spoke about the workforce housing affordability restrictions and annual compliance monitoring. She strongly recommends that the Planning Board approval contain a recorded affordability covenant and annual tenant income recertification given the scrutiny around workforce housing and compliance. James Gaffney suggested the Board consider requiring the housing to comply with workforce

housing standards pursuant to state law and Warner's zoning ordinance. Pier D'Aprile explained that is over ruled by HUD. Tom Frutado explained that there will be a deed restriction for 99 years. He stated that each tenant is recertified annually. Karen Coyne stated she is looking for language that requires the owner to obtain and maintain documentation sufficient to verify the continued income eligibility of each tenant. Mike Smith agreed that income recertification is important. Tom Frutado explained what is proposed would violate the HUD laws and the New Hampshire housing rules under the Low Income Housing Tax Credit and Workforce Housing program. Tom Frutado stated that if that is a condition they could not continue.

Karen Coyne read NH RSA 674:60 IV; *A municipality may require that an applicant record restrictive covenants acceptable to the land use board that the workforce housing may not be rented to or sold to any household whose income is greater than that specified in RSA 674:58, IV. The covenant shall be for the term specified in the regulations of the land use board. The municipality may adopt regulations to ensure compliance with the covenants, which regulations may include requirements for the monitoring of the project by the municipality or by a suitable third-party agency qualified to carry out such requirements, including but not limited to requiring the production of annual income verification for renters and non-owner occupiers. The land use board may consider the existence of recorded covenants or income qualification and occupancy criteria as satisfying the purpose of this paragraph if such covenants or criteria are administered by a state or federal entity.* Karen Coyne stressed that recertification means that the tenant still complies with the initial income restrictions. She explained, what is being proposed is certifying the tenant's current income not certifying compliance. Tom Frutado reiterated that condition would mean that the project is not in compliance with HUD and the federal funding would go away. Alex Panagiotakos explained that would mean they would no longer be in compliance with the intention of the long term housing tax credit and the affordable housing rule. She stated that the intention was not to penalize or discourage tenants from advancing their careers or working overtime. She stated that would mean some would lose their home. Karen Coyne stated that she would amend her recommendation to reflect a percentage amount (30-40%) over their original income. Mike Smith concurred, he stated there has to be a limit. Alex Panagiotakos explained that 140% over their initial qualified income is the standard. Karen Coyne stressed that even at the 140% the tenants are still allowed to stay. She explained that the NH state law allows for recertification every year but HUD does not. Tom Frutado explained that the interpretation of recertify is the issue. He stated that they recertify a tenant's income and the Chair is looking for a requalification of the income. Tom Frutado explained that they are required to have tenant's certify their income it does not say tenants must comply with the original income restriction. Bob Holmes does not support the condition that would kick people out if they bettered themselves.

Karen Coyne explained that workforce housing should not be available to someone who far exceeds the income limit. Bob Holmes pointed out that most people who initially qualified and then their income significantly increased they would not stay. Pier D'Aprile agreed with Karen Coyne's position. He stated that at the end of the day this is subsidized housing paid for by the rest of the Town. James Gaffney clarified that NHMA has confirmed that the condition to requalify tenant's income is permissible. Karen Coyne confirmed that she sought legal advice from NHMA. Mike Smith requested to see the question and answer from NHMA.

Tom Frutado explained that the condition would violate the fair housing act. He stated that workforce housing cannot be built under that condition when using the low income housing tax credit or federal funding. James Gaffney suggested the Board review the opinion from NHMA and vote after they have had a chance to review the opinion. Karen Coyne referenced RSA 674:58 through 61 and the Town of Warner

zoning ordinance, she stated that the Town has the right to enforce strict initial application qualifications and mandatory annual re-qualification.

Karen Coyne asked the Board to discuss how much of an income increase would be acceptable. She suggested 40% of the current New Hampshire qualification. Tom Frutado explained that they would still not be able to evict a tenant, if they are good standing otherwise. Barak Greene stated that the AMI should be a more affordable number, Tom Frutado stated that in Merrimack County the AMI for a single person is $90,100 of which 50% is $45, 000.

Karen Coyne made a motion seconded by Mike Smith that upon the initial occupancy and annually thereafter the tenants will have to recertify within 40% of the annual average median income (AMI) provided under the New Hampshire Workforce Housing. Roll Call Vote Gaffney YES D'Aprile YES Leavitt ABSTAIN Smith YES Holmes NO Greene NO Coyne YES Motion Passed 4-2-1

Discussion on the motion: Barak Greene stated that evicting someone for bettering themselves sends the wrong message. Tom Frutado asked if this condition would be applied to this application. Karen Coyne confirmed that the condition would apply to this application. She recapped the conditions; safe sanding/deicing logs, retail requirement and the income recertification. George Holt noted that the retail requirement will require the redesign of parking spaces. Tom Frutado explained that retail space is not a part of this application. Karen Coyne asked if there needs to be a revisit of traffic, Pier D'Aprile believes there should be and it should happen after the DOT weighs in. The Board discussed asking the Fire Department to weigh in on the plan. Karen Coyne asked if anyone wanted to make a motion to ask the Fire Department to weigh in. Barak Greene explained that he is not compelled to make a motion because the NFPA rule says 250 feet from the truck and there is ample room for a fire hose to reach and there is approximately 450 feet from the truck for access in a sprinkler building. He noted that the new plan depicts a road that is over 75 feet and now a turnaround for the fire truck will be needed. Karen Coyne asked if anyone wanted to make a motion.

Mike Smith made a motion seconded by Karen Coyne to ask the Fire Chief about the access in the front of the proposed building and adequate turnaround space based on the new site plan.

Discussion on the motion: Pier D'Aprile offered an amendment to change the motion to request the State Fire Marshal review the new site plan and the redesign for retail commercial space. Tom Frutado advised the Planning Board that there will not be a redesign for retail space because they are not permitted to include retail space. Micah Thompson stated that you got your wish. Pier D'Aprile stated it is not his wish, it is called doing it right. Karen Coyne stated that there is a motion on the floor. Mike Smith revised his motion to include the state fire marshal.

<u>Amended Motion</u>: Mike Smith made a motion seconded by Karen Coyne to ask the Warner Fire Chief and the State Fire Marshal to weigh in on the access in the front of the proposed building and adequate turnaround space based on the new site plan. Roll Call Vote Gaffney YES D'Aprile YES Leavitt YES Smith YES Holmes YES Greene YES Coyne YES Motion Passed unanimously.

The Board discussed the condition of approval relating to the fire safety issue. James Gaffney stated that it should be understood that Fire Marshal might not weigh in. He noted that it is not the State Fire Marshal's job to weigh in. He suggested the condition of approval should be based on the determination of the Warner Fire Chief. Karen Coyne asked why the Fire Marshal included in the motion. James Gaffney explained the

condition of approval would be based on the determination of the Warner Fire Chief and the State Fire Marshal if he responds.

Karen Coyne outlined the conditions for approval; safe sanding/salt management, deicing logs, first floor retail required, annual recertification and fire approval. At this time Mike Smith stepped away at 8:30 PM.

Barak Greene made a motion seconded by James Gaffney to approve the application for CATCH Housing based on the conditions of approval. Roll Call Vote Gaffney YES D'Aprile NO Leavitt YES Smith YES Holmes YES Greene NO Coyne NO Motion Passed 4-3-0

Discussion on the motion: Pier D'Aprile stated that he does not believe the Board is ready to have this vote. Karen Coyne paused the discussion until Mike Smith returned at 8:32 PM. John Leavitt requested the motion be read in its entirety so the Board can full understand what the conditions are. Karen Coyne re-read the *motion; motion to approve the application for CATCH Housing with the following conditions; a plan for safe sanding/salt management, deicing logs, first floor retail required, initial and annual recertification and Fire approval (Warner Fire Chief and the State Fire Marshal).*

V. MINUTES – September 14, 2026, September 28, 2026 and October 5, 2026 TABLED
Barak Greene made a motion seconded by Karen Coyne to table the minutes to the next Planning Board meeting. Motion Passed unanimously.

VI. NEW BUSINESS

Application for Conceptual Consultation Bill and Kim Morgan Map 15 Lots 42 and 42-1
Karen Coyne explained that the applicant has postponed their conceptual consultation.

VII. COMMUNICATIONS

Peg Bastien advised the Board that the HOP II grant has been submitted and the committee would like to come to a meeting. Karen Coyne explained that the committee needs to reach out to her. Peg Bastien will advised the HOP II committee. James Gaffney would like to see all the information. Barak Greene explained that the Select Board should be present for the discussion. Barak Greene suggested asking the HOP II committee to put together some language that would codify 674:80 for ordinances or site regulations.

Micah Thompson announced that there will be pumpkin carving on the town hall steps this weekend from 9:00 AM to 4:00 PM.

VIII. PUBLIC COMMENT

None

IX. ADJOURN

The meeting adjourned at 9:39 PM.

Respectfully submitted by Tracy Doherty