TOWN OF WARNER
PO Box 265
Warner, New Hampshire 03278-0265
Telephone: (603) 456-2298 ex. 7
Warnernh.gov email: landuse@warnernh.gov

DRAFT Planning Board Meeting Minutes

November 16, 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 7:01 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		

Karen Coyne elevated Micah Thompson to a voting member.

Karen Coyne explained that she is reviewing the video for the October 19, 2026 meeting minutes.

Karen Coyne informed the Board that all the documents that were found for Holly Riley were sent out to the Board. She stated that Holly Riley will be coming back to the Planning Board for a conceptual consultation. Karen Coyne asked the Board to review the materials in preparation for the meeting.

III. PUBLIC COMMENT

Ed Mical, Emergency Management Director explained that the new Flood Plain Maps and study (four volumes) are effective as of November 13, 2026.
Ed Mical spoke as a Warner resident noting that in the Planning Board's rules of procedure it talks about abstaining from a vote. He explained that under section XV item J. Abstaining: Members shall be allowed to abstain from voting. Members abstaining from voting shall indicate the reason. Such vote shall not be counted as a Yes or No, but shall be considered one of the total voting to determine a total of members voting.

Bob Holmes as a member of the HOP Grant II committee spoke about the recommended amendments to the zoning ordinance. He explained that he and Ian Rogers would like to have the Planning Board schedule a meeting to address the amendments. Pier D'Aprile suggested sooner rather than later, Karen Coyne stated that it would be tentatively scheduled for December 7th.

Karen Coyne stated that she has a prepared statement that is intended to remind the Board that abstaining from a vote is appropriate if a member has a conflict of interest. Karen Coyne read her statement on abstaining as follows; *I would like to take a moment to address the important aspect of our responsibilities as members of the Planning Board, specifically regarding voting and abstentions. As members of the Warner Planning Board they are entrusted with the responsibilities of reviewing land use applications, evaluating the evidence presented and making decisions based on the Town's ordinances, regulation, and applicable New Hampshire law. Our role is not to choose sides between applicants and residents, nor is it to make decisions based on public opinion, personal relationships or the potential popularity of an outcome. Our obligation is to make fair, impartial, and legally supportable decisions based on the*

merits of the application. I recognize that some applications are controversial, and the decisions we make can be difficult. However, accepting the responsibility of serving on this Board also means accepting that responsibility of making those difficult decisions, of which we took an oath. While abstentions may be permitted under the applicable rules and procedure, I want to emphasize that abstaining solely to avoid taking a position or a controversial application is inconsistent with the responsibility and the oath that we have undertaken as a board members. When a member has participated in hearings, reviewed the materials, asked questions, and engaged in deliberations especially if they have not indicated that there is any conflict that would cause them not to vote, there is a reasonable expectation that the member will exercise their independent judgement and cast a vote absent a legitimate reason for not doing so. Abstentions can also have a significant consequences depending on the number of participating members and the applicable voting requirements. It may prevent the Board from reaching a decision, potentially resulting in a tie or other failure to take action. This can create uncertainty for the applicant, the residents, and the town and can have legal implications under New Hampshire's statutory requirements for timely decisions. I want to be clear that this statement is not intended to discourage anyone from abstaining when appropriate nor is it intended to disrupt or influence how any member votes. Each member is entitled to reach an independent conclusion based on the evidence and applicable law. However, there is an important difference between abstaining for a legitimate reason and abstaining simply to avoid making a difficult or popular decision. Our responsibility is not to ensure that everyone agrees with our decision. Our responsibility is to ensure that those decision are made fairly, thoughtfully, consistently and in accordance with the law. Going forward I ask every member on this board to carefully consider the responsibility before abstaining from a vote. The residents of Warner and before this board deserve a Planning Board that makes decisions fairly, thoughtfully, consistently and in accordance with the law even when those decisions are difficult. And I would like this statement reflected in the official minutes of the meeting.

Ian Rogers stated that he would be happy to present the HOP II recommended amendments on December 7th. He stated that all the information and documents are posted on the website. Ian Rogers appreciates Karen's statement relating to abstaining. He asked who wrote the statement. Karen Coyne explained that she authored the statement.

IV. MINUTES November 2, 2026

Pier D'Aprile made a motion seconded by to Bob Holmes to approve the November 2, 2026 Planning Board meeting minutes as amended. Motion Passed

IV. UNFINISHED BUSINESS

Karen Coyne asked if there are any questions regarding the Holly Riley conceptual consultation. She reiterated that she would like the Board to be prepared. James Gaffney noted that the deed explicitly says no commercial. Bob Holmes explained that the easement is a legal right and if the owner wanted to enforce it would done through the court. He stated that it would not be the Planning Board who would enforce a private easement. James Gaffney pointed out that if the Planning Board approved a commercial business when they know it not permitted that would not be acting in an ethical way.

John Leavitt spoke about the CATCH decision. He stated that the decision that was published was not the decision that the Board made. John Leavitt stated that the Board did not articulate the findings and requirements. John Leavitt explained that he voted in favor of the motion in hopes of getting a response from the applicant as to how he was going to meet those conditions. He stated that he does not believe that it is the Planning Board's purview to tell an applicant how he is to meet those conditions without having a finding of the Board in general. John Leavitt stated that had the Planning Board voted on the requirements that would be fine. He stated that he was blindsided by the findings and requirements that were published. John Leavitt stated that the 21 pages following the decision should be eliminated from the website. James Gaffney stated that the application was approved with conditions. He does not recall a time where the Planning Board required an explanation on how the applicant would meet the conditions of approval. John Leavitt noted that the conditions as stated would require the applicant to come back to the Board and explain how they will meet the conditions. James Gaffney disagreed. He explained that it is standard practice to require an applicant to come up with a plan regarding snow and ice removal or treatment. James Gaffney noted that if applicant failed to meet all the requirements that would result in a back and forth the Select Board. Karen Coyne explained that the Planning Board sets the conditions and the applicant does not get to interpret the decision. She stressed that the Planning Board addressed all the conditions. John Leavitt stated that discussing something and having a consensus about something are

two different things. He explained that does not mean that the Board as a whole is going to approve of the discussion. Karen Coyne noted that the Board voted on it as it was read. Pier D'Aprile stated that he does not believe that there is precedent where the applicant has provided feedback to the Board and the Board discussed it. Pier D'Aprile stated that if the applicant has questions they would come back for answers. He does not believe there is a need right now to get ahead of it. He stated that the applicant has to come back to the Board if they think something is over the top. John Leavitt stated that it is his opinion that it is over the top and if it was presented as it is written he would have voted against it.

The meeting adjourned at 7:27 PM.
Respectfully submitted by Tracy Doherty