



TOWN OF WARNER

P.O. Box 265, 5 East Main Street
Warner, New Hampshire 03278-0059
Land Use Office: (603)456-2298 ex. 7
Email: landuse@warnernh.gov

Planning Board Meeting AGENDA

Monday, August 18th, 2025
Town Hall Lower Meeting Room
7:00 PM

Join Zoom Meeting: <https://us02web.zoom.us/j/87061407427> Meeting ID: 870 6140 7427 Passcode: 1234

I. **OPEN MEETING / Pledge of Allegiance**

II. **ROLL CALL**

III. **PUBLIC COMMENT**

IV. **NEW BUSINESS**

A. **Conceptual Consultation**

Applicant: Carl Nickerson

Owner: Carl Nickerson

Address: Map 17, Lot 011, 39 Morse Lane

District: R-2

Proposed Use: Modular Home

Details: Applicant would like to build concrete pad to accommodate modular home and to create the concrete pad on dense fill held in place by mortarless lock tight concrete blocks to create added height for the proper plumbing pitch for black tank. Would like to know if a basement is permitted.

V. **UNFINISHED BUSINESS**

A. Resident Concern: 07-043-1

B. Site Plan Amendment Proposal from 07-21-2025

C. Bonds Conversation from 07-21-2025

D. Input for the Central NH Regional Plan

1. What are the key local issues to address in the plan?

2. What are the most important planning, housing, transportation, natural resource, and land use issues for the Town?

VI. **REVIEW MINUTES:** July 21, August 4th

VII. **COMMUNICATIONS**

VIII. **REPORTS**

Chair's Report- Chair, Karen Coyne

Select Board – Michael Smith

Regional Planning Commission – Barbara Marty, Ben Frost
Economic Development Advisory Committee – James Sherman
Agricultural Commission - James Gaffney
Regional Transportation Advisory Committee – Tim Blagden

IX. **PUBLIC COMMENT**

- X. **ADJOURN** - Note: Planning Board meetings will end no later than 10:00 P.M. Items remaining on the agenda will be heard at the next scheduled monthly meeting.



TOWN OF WARNER PLANNING BOARD

P.O. Box 265

Warner, New Hampshire 03278-0059

Telephone: (603) 456-2298, ext. 7

Fax: (603) 456-2297

RECEIVED
8/4/15
WARNER LAND USE

APPLICATION FOR CONCEPTUAL CONSULTATION

Please note that this application is subject to NH RSA 91-A which affords the public access to this information.

ACTION NEEDED FROM THE ZONING BOARD OF ADJUSTMENT? YES _____ NO X

TODAY'S DATE: 7-31-2025

NAME OF APPLICANT: Carl Nickerson

ADDRESS: 39 Morse Lane

PHONE #1: 603-748-4233 PHONE #2: _____ E-MAIL: cfNickalec@gmail.com

OWNER(S) OF PROPERTY: Carl Nickerson

ADDRESS: 39 Morse Lane

PHONE #1: 603-748-4233 PHONE #2: _____ E-MAIL: cfNickalec@gmail.com

AGENT NAME: _____

ADDRESS: _____

PHONE #1: _____ PHONE #2: _____ E-MAIL: _____

STREET ADDRESS & DESCRIPTION OF PROPERTY: 39 Morse Lane

10 1/2 Acres

MAP # 17 LOT # 011 ZONING DISTRICT: R-2 NUMBER OF LOTS/UNITS: _____

FRONTAGE ON WHAT STREET(S): _____

DEVELOPMENT AREAS: _____ acres/sq.ft. BUILDING/ADDITION: _____ sq. ft.

PROPOSED USE: modular home

DETAILS OF REQUEST: Indicate number of separate pages attached, if necessary. _____

would like to build a concrete pad to
accommodate modular home and to create
concrete pad on dense fill held in place
by mortarless lock tight concrete blocks
giving the concrete pad the added height to have
proper plumbing pitch for black tank.

Can there be a basement?

Authorization/Certification from Property Owner(s)

I (We) hereby designate _____ to serve as my agent and to appear and present said application before the Warner Planning Board

By submitting this application I (We) hereby authorize and understand that agents of the Town may visit the site without further notice.

Signature of Property Owner(s): Carl Nickerson Date: 7-31-2025
(Need signatures of all owner's listed on deed)

Print Names Carl Nickerson

Signature of Applicant(s) if different from Owner:

Date: _____

Print Names _____

For Planning Board Use Only

Date Received at Town Office: _____

Received By: _____

Date of Review: _____ Date of Hearing: _____

ADMINISTRATIVE INFORMATION

PARCEL NUMBER
17-011
Parent Parcel Number

Property Address
Morse Lane 039

Neighborhood
18 103W, NORTH RD, DANNYBOY&PATHEE

Property Class
150 Mobile Home (year round)

TAXING DISTRICT INFORMATION

Jurisdiction 219 WARNER, NH

Area 219

Routing Number 2015

Tax ID 001537

TRANSFER OF OWNERSHIP

Date	
08/30/2011	SUGAR RIVER BANK
02/24/2011	Bk/Pg: 3270, 344
10/18/2006	HARTE, DANIEL
	Bk/Pg: 3243, 1562
	TAYLOR, VIRGINIA O
	Bk/Pg: 2936, 1692
	\$40000
	\$28000
	\$68000

Printed 07/29/2025 Card No. 1

of 1

RESIDENTIAL

VALUATION RECORD

Assessment Year	04/01/2015	04/01/2015	04/01/2018	04/01/2019	04/01/2020	04/01/2020	
Reason for Change	2015 PRELIM	2015 Reval	CU Rate Adj	CU Rate Adj	2020 Prelim	2020 Reval	Worksheet
VALUATION	L 63250	63250	63250	63250	68250	68250	68250
Market	B 3250	3250	3250	3250	3820	3820	3820
	T 66500	66500	66500	66500	72070	72070	72070
VALUATION	L 24080	24050	24280	24260	29260	29260	29260
Assessed/Use	B 3250	3250	3250	3250	3820	3820	3820
	T 27330	27300	27530	27510	33080	33080	33080

LAND DATA AND CALCULATIONS

Rating	Measured	Table	Prod. Factor	Base	Adjusted	Extended	Influence	Value
Soil ID	Acres	Depth	-or- Factor	Rate	Rate	Value	Factor	
-or- Frontage	Effective	Effective	-or- Square Feet					
Frontage	Frontage	Depth	Feet					
1 Homesite Improved	0.5000		1.00	110000.00	110000.00	55000	1 -50%	27500
2 Homesite Improved	1.5000		0.00	20000.00	20000.00	20000		20000
3 Pine No Stewardship	1.5000		1.00	176.00	176.00	260		260
4 Excess Frontage	8.0000		1.00	2500.00	2500.00	20000		20000
5 Pine No Stewardship	8.0000		1.00	176.00	176.00	1410		1410
6 EXCESS REAR	0.5000		1.00	1500.00	1500.00	750		750
7 Pine No Stewardship	0.5000		1.00	176.00	176.00	90		90

B: BUILDING
SEASONAL USE- MH/TRAILER SET BACK FROM ROAD BY RIVER.
GRASS DRIVE/ENRANCE.
CU: Current Use
FLD: ***FLOODPLAIN***

Supplemental Cards
MEASURED ACREAGE 10.5000

Supplemental Cards
TRUE TAX VALUE

68250

G: GENERAL
2015: 10/6/14 DMX- GATED-NO ACCESS.
L: LAND = RIVER RUNS ALONG THE PROPERTY
PU08: ADJ-R SITE VALUE DUE TO RESTRICTIONS - TOWN
CONSIDERS NOT A BLDG LOT = 4/28/08 PB

Supplemental Cards
TOTAL LAND VALUE

29260

Meeting opened at 6:00 p.m.

In Attendance: Selectman David E. Hartman – Chairman, Selectman Richard A. Cook, Selectman Wayne Eigabroadt

Absent: No Members Absent

Recorder of the minutes is Mary Whalen

Others Present:

Laura Buono – Town Administrator

Martha Mical

Judith Rogers

Dan Harte

Marianne Howlett

Mary Whalen

Robert Shoemaker III

Ken Benward

Bob Fletcher

1. Dan Harte – Map 17 Lot 11

Mr. Harte met with the Selectmen to discuss a deeded right-of-way dating back as far as 1907 allowing pass and re-pass to his parcel over two other parcels; the right-of-way comes off of a Class V road. Mr. Harte believes the right-of-way meets the criteria for a build-able lot. The property contains 10.5 acres with a dated mobile home with a wooden addition and a truck container for storage on the site. Mr. Harte intends to remove the structures and upgrade the property to build. There was an agreement with the Town allowing the previous owner to install a septic system within the Town's right-of-way. Mr. Harte is asking the Selectmen if the easement allows this lot to be built upon. Chairman Hartman explained that this property has been discussed in the past and was unaware that an easement existed. Selectman Cook explained that it has been understood by this Board and past Board's that the State Statute 674:41 precluded the construction of residents on a lot with no frontage on a maintained Town road. The Board has since heard there are exceptions to that, but there is also a town ordinance, Article 15, requiring a minimum of 50' of road frontage. Selectman Cook does not believe that this lot has the required frontage and therefore cannot be used for residential purposes under Article 15. Mr. Harte asked if he can upgrade the existing building. Selectman Cook explained that the building cannot be made any larger; the structure can only be replaced in-kind. Mr. Harte confirmed that the Town ordinance over rides the State Statute. Selectman Cook explained to Mr. Harte that he may appeal to the Zoning Board for a variance. Selectman Eigabroadt confirmed that he agrees with Selectman Cook's interpretation of Article 15. Mr. Harte asked if the deeded easement counts as road frontage. Selectman Eigabroadt said that the easement would need to be considered by the Zoning Board. Selectman Eigabroadt explained that in his opinion the lot in question is not a build able lot; the existing building could be replaced in-kind. Selectman Eigabroadt understands this is the same answer that several people prior to Mr. Harte have received as well. Selectman Cook asked if the site Mr. Harte would like to build on is in the flood way. Mr. Harte said no. Selectman Cook asked if the site meets the set-backs as required by zoning. Mr. Harte said that he believes so. Selectman Cook asked if a State approved septic can fit on the site. Mr. Harte said yes. Chairman Hartman would like to visit the site; the remaining members have already done so. Laura has obtained advice regarding this lot from the Local Government Center. Selectman Cook feels that the advice obtained from counsel should remain privy to the Board. Selectman Cook explained that he did view the lot from the Town's right-of-way because he received a call regarding violations of the Shore Line Protection Act. Selectman Cook said that it did appear to him that a large rock was placed within the bank. Mr. Harte explained that during the flood the driveway washed away so he tried to repair and stop the damage from occurring to protect what was there, existing material was used. Selectman Cook asked Mr. Harte if he placed boulders within the bank of the river. Mr. Harte said that he moved what was already there. Selectman Cook said that is a violating act and he has reported this to the Shoreline Protection Coordinator at the Department of Environmental Services. Selectman Cook added that if Mr. Harte chooses to go before the Zoning Board to ask for a variance, he asks that the Board of Selectmen take a position against granting a variance in this case because Selectman Cook feels that it is not in the Town's best interest to encourage development on land with no road frontage. Chairman Hartman summarized; the Selectmen advised Mr. Harte to go before Zoning Board to ask for a variance. Mr. Harte has heard that at least two Board members would offer an opposing opinion to the Zoning Board. Mr. Harte asked for clarification regarding the Zoning Board. Selectman Cook explained that if a variance is granted then Mr. Harte would be able to apply for a building permit as long as all other zoning requirements are met. Laura concluded by explaining that a right-of-way is not road frontage.



Zoning Board of Adjustment

Map 17
Lot 11

TOWN OF WARNER

P.O. Box 59

Warner, New Hampshire 03278-0265

Telephone: (603) 456-2298 ex. 228

Fax: (603) 456-2297

RECEIVED

OCT 11 2007

BOARD OF SELECTMEN
INIT. *DD*

NOTICE OF DECISION

Date of Decision: October 10, 2007

Case #11-07: Variance

Applicant/Owner: Daniel Harte, P. O. Box 131, 17 East Main St., Warner, NH

Property: 39 Morse Loop, Warner, NH, Map 17-Lot 11, R-2 zoning district

Purpose: Seeking a variance to the terms of Article VI, Section C. 1. A. of the Warner Zoning Ordinance requesting a 200' variance to the 200' minimum frontage requirement and a variance to the terms of Article VI, Section C. 1. B. of the Warner Zoning Ordinance requesting a 10' variance to the 25' yard requirement to an abutter's property line; the abutter being the Town of Warner, for the purpose of construction a single family home.

The Warner Zoning Board of Adjustment voted to Deny the request for a Variance to the terms of Article VI Section C.1.A and Article VI Section C.1.B.

By a majority vote, the Board voted that the applicant has not fulfilled the requirements of a variance.

The reasons for denial are as follows:

- C. Denial of the variance would result in unnecessary hardship to the owner seeking it
The Board could find no unnecessary hardship to the owner. The applicant knew at the time of purchase that the property was not buildable and he is able to live on the property as it is.
- E. The use must not be contrary to the spirit of the ordinance.
The spirit of the ordinance is that there is a 200' frontage requirement. With a 200' variance request, it is ignoring the ordinance in an attempt to create frontage that is not there.

RSA 677:2: Motion for Rehearing of Board of Adjustment, Board of Appeals, and Local Legislative Body Decisions. Within 30 days after any order or decision of the zoning board of adjustment.... the Selectmen, any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion for rehearing the ground therefore; and the board of adjustment.... may grant such rehearing if in its opinion good reason therefore is stated in the motion. This 30-day time period shall be counted in calendar days beginning with the date following the date upon which the board voted to approve or disapprove the application in accordance with RSA 21:35.

Martha Thoits

Martha Thoits, Chairman

Warner Zoning Board of Adjustment



TOWN OF WARNER

PO Box 265

Warner, New Hampshire 03278-0265

Conservation Commission

RECEIVED

OCT 09 2007

October 8, 2007

BOARD OF SELECTMEN
INIT. _____

Warner Zoning Board of Adjustment
and

Warner Board of Selectmen

Warner Town Hall

PO Box 265

Warner, NH 03278

RE: Floodplain Development Ordinance and the Daniel Harte Property; Tax Map
17, Lot 11

Dear Sirs:

The Warner Conservation Commission (WCC), under its statutory charge (RSA 36-A:2) to comment on projects affecting the proper utilization and protection of natural and watershed resources, offers the following comments concerning the Daniel Harte property; Tax Map 17, Lot 11.

1. Floodway Encroachment

While writing a letter to the Department of Environmental Services about the Harte property on the Warner River and work done that appears to be in violation of the State's Comprehensive Shoreland Protection Act, we became concerned about the alteration of the floodplain and floodway that Mr. Harte may have accomplished by building the three new retaining walls and subsequent buildup of fill. These walls seem to have been built to prevent further flooding of his property in a major storm event.

According to Warner's Flood Insurance Rate Maps (FIRM), the majority of this property is designated as a Floodway Area in Zone AE. By definition, the regulatory floodway means the channel of the river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation. Section 3 of Item VI, Development

WCC comments re Harte property

Page 1

additional areas of wetlands/shoreline across the river and downstream.

The retaining wall that is closest to the river course and the subsequent retaining wall above this wall are of greatest concern wherein alteration of the floodway is concerned. Without a current survey of this area a direct comparison depicting the impact of the new walls' change in riverbank elevation cannot be made. The abutters have indicated that they do not remember a preexisting wall in this location. The survey of Mr. Shoemaker's property (which included this area of shoreline) seems to depict a natural sloping (steep to gradual) embankment. The new walls do not appear to follow the direction of the preexisting bank contours, but instead lie perpendicular to the river's flood stage flow. Clearly the location, direction of face, and material of these walls will alter seasonal high flows in a different direction than previously experienced and may in turn have a negative effect upon shoreline immediately down stream of the new wall and the opposite shoreline given the particular nature of this meander. The new retaining walls are made from large boulders which by their hard, flatter, smooth 'face' will tend to increase the velocity and turbulence of the flow in this immediate area and areas downstream.

Our recommendation is to advise the landowner that, in accordance with the Town's Flood Plain Ordinance, he must immediately hire a registered professional engineer to demonstrate that the flood carrying capacity of the altered and relocated watercourse can and will be maintained and further that his walls will not result in any increase in flood levels within the community during the base flood discharge. If Mr. Harte is unable or unwilling to proceed in this manner, we recommend that the two retaining walls, at least, be carefully removed under the Army Corp of Engineers' and/or the Department of Environmental Services' supervision and the area appropriately revegetated so as to eliminate or minimize potential erosion. Failure to address this situation could jeopardize the Town's eligibility for federal floodplain insurance.

3. Minimum Buildable Lot Standards

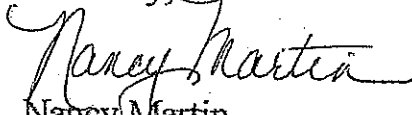
Article VI., C., of the Warner Zoning Ordinance, states that 'every lot shall have a minimum road frontage of 200' and a minimum buildable area of 2 acres (87,120 sq. ft.).' We recognize that Mr. Harte has requested a variance for relief of the 200' of frontage, however, according to the definition of buildable area, he cannot include:

- wetlands; poorly drained or very poorly drained soils;
- land within a 100 year floodplain or floodway as determined by FEMA; or

Ordinance Article IV., L., 'not more than one permanent structure containing residences shall be permitted on a single lot'. Zoning Article XV also stipulates that the existing box trailer is subject to Non-Conforming Use if its use has been discontinued for a period of time greater than one year. Since during the change of ownership of this property, the box trailer's use may have been discontinued for longer than one year, per Article IV., M., this trailer may already be required to be removed from the site altogether. The WCC believes that the removal of the box trailer would better ensure protection to both the natural resources and land owned by others along the Warner River.

Thank you for your consideration of these recommendations. Should you have any questions, please contact me or Chris Connors (456-2173 or cconnors@iamnow.net).

Sincerely,



Nancy Martin
Chair, Warner Conservation Commission

encl.: Composite map of Harte property

Re: 11 Toms Pond Lane, Warner, NH

From Julie Ceriello <nhflorist@gmail.com>

Date Mon 6/2/2025 1:37 PM

To Landuse Secretary <landuse@warnernh.gov>

 3 attachments (340 KB)

Zoning Residential Club.jpg; Ram Ax Throwing 3.jpg; Ram Ax Throwing 4.jpg;

This email originated from outside of the organization. Do not click links or open attachments unless you are 100% sure that it is safe.

Good Day,

I am following up on my previous email regarding the proposed axe-throwing business, "Ram Axe Throwing," at 11 Toms Pond Lane. A neighbor recently informed me that the business may be advertised as a membership club.

He spoke with a selectman who indicated that a club might not require a special exception. However, after reviewing the Town of Warner zoning ordinances again, it is my understanding that this type of business would still need a special exception and undergo the same approval process that I did, including appearing before the planning board and obtaining neighborhood approval.

For your reference, I have attached the section of the zoning ordinances pertaining to club memberships, as well as a social media post where "Ram Axe Throwing" states it will operate as a membership club.

I sincerely appreciate your time and attention to this matter.

Sincerely,

Julie Rimm
27 Toms Pond Ln, Warner, NH 03278
603-748-9705

On Thu, May 29, 2025 at 9:33 AM Julie Ceriello <nhflorist@gmail.com> wrote:

Good day,

I am writing to express my concerns regarding a business that is planning to operate adjacent to my property at 27 Toms Pond Lane. Ross Mingerelli intends to open an axe-throwing business under the name "Ram Axe Throwing" at 11 Toms Pond Lane. I understand that such an operation may not be permitted without a special exception, and I would like to confirm whether he has submitted the correct documentation to the town for approval. I have attached a social media post outlining his plan and my understanding of the Zoning Ordinances. I am particularly concerned about the potential noise and parking issues this business could create.

Thank you for your attention to this matter.

--

Warm Regards,

Julie Rimm

27 Toms Pond Ln, Warner, NH 03278



TOWN OF WARNER

PO Box 265

Warner, New Hampshire 03278-0265

Telephone: (603) 456-2298 ex. 7

Warnernh.gov email: landuse@warnernh.gov

Planning Board Meeting Minutes

7:00 PM, August 4, 2025

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	✓	
Ian Rogers	✓	
Mike Smith – Select Board	✓	
John Leavitt	✓	
Bob Holmes – Alternate		✓
Micah Thompson – Alternate	✓	

III. PUBLIC COMMENT

None

IV. NEW BUSINESS

A. Public Hearing – Site Plan

Applicant: Charlebois Holdings LLC

Owners: Ronald Charlebois

Agent: Sam Dube

Address: Map 03 Lot 028, 652 Rute 103 East, Warner NH 03278

District: C-1

Proposed Use: Parking Lot / Sales Lot

Karen Coyne opened the public hearing. Chrissy Almanzar confirmed that proper notice was given and fees have been paid. Karen Coyne informed the Planning Board that three letters have been received.

James Gaffney asked if they have any future plans to address the drainage. Sam Dube stated that during record-setting rain, the drainage system performed as intended. Karen Coyne asked if the State of NH needs to be notified as an abutter. Barak Greene questioned if the property on the other side of Route 103 is considered an abutter. James Gaffney stated that if it is within 200 feet it would be considered an abutter. Barak Greene explained that his concern is the lack of a professional plan designed by an engineer and the drainage. John Leavitt has concern regarding the lack of elevation on the plan.

Ian Rogers asked if the lack of a professional plan signed by an engineer was acceptable under an abbreviated site plan review. Sam Dube stated that he was advised that he did not need an engineer drawing during the last Planning Board meeting. James Gaffney expressed concern that the State was not notified as an abutter because a court case would be costly. Barak Greene stated that with the solar array project, they were not required to notify the State.

1
2 Mike Smith stated that the applicant has been very apologetic, as they were not aware a permit was
3 necessary. Karen Coyne acknowledged that the applicant was given conflicting information. Micah
4 Thompson questioned what the purpose of this review is since the project has been completed. Karen Coyne
5 explained that the applicant was given conflicting information and the project was under way. The Planning
6 Board agreed during the conceptual consultation that they did not want to stop the project. She explained that
7 the Planning Board agreed that they needed additional documentation of this process. She further noted that
8 if in the future they add on, there will be a progression of documentation.

9
10 Karen Coyne explained that the Planning Board needs to make a determination if the packet is complete.

11
12 **Barak Greene made a motion seconded by Mike Smith to accept the application as complete under the**
13 **circumstances. Roll Call Vote Rogers YES Leavitt NO D'Aprile YES Gaffney NO Coyne YES Greene**
14 **YES Smith YES**

15
16 Barak Greene addressed the requirement in the Zoning Ordinance that requires a natural vegetative barrier of
17 25 feet. He stated that during construction the trees were cut down along the 25 foot barrier. Karen Coyne
18 recalled a previous discussion where the applicant stated that they are a retail operation and being visible is
19 important. James Gaffney stated that there was not 25 feet of vegetation along Route 103 to begin with.
20 Mike Smith explained that the existing driveway had some vegetation but not 25 feet. He agreed that the new
21 driveway has no vegetation. Sam Dube asked for clarification on where the buffer needs to be. Barak
22 Greene questioned if the buffer is necessary because of Route 103. Karen Coyne stated that she would
23 appreciate clarification from legal counsel regarding if it is necessary that the State of NH as an abutter be
24 notified. Barak Greene stated that of the letters received regarding this, there did not seem to be much
25 concern regarding the lack of trees. He questioned, that by ignoring the requirement for a 25-foot barrier, the
26 board could set a precedent.

27
28 Pier D'Aprile agreed but stated there were unusual circumstances with this. He stated that the abutter
29 complaints were more geared towards lighting and noise. John Leavitt pointed out that this is a site plan
30 review and the Planning Board can require a buffer. Sam Dube asked for clarification on the type of buffer.
31 Micah Thompson questioned why this is being discussed again. Karen Coyne acknowledged this has been
32 previously discussed but not in a public hearing. Barak Greene stated that the Planning Board could allow for
33 an exception. Pier D'Aprile questioned if the town ordinance applies to Route 103, a state road.

34
35 James Gaffney withdrew his concern relating to the state road and the need to notify the State as an abutter;
36 he stated that in looking back at a prior case, it appears to not be necessary. Pier D'Aprile stated that his
37 question is: Does the town ordinance apply to state roads? Barak Greene cautioned about setting precedent.

38
39 Micah Thompson raised his concern that this review is occurring after the fact. James Gaffney spoke about
40 the need to implement a checks and balance system before a building permit is issued to avoid this from
41 happening again. Karen Coyne reiterated that the applicant was given conflicting information. Micah
42 Thompson stated that this once again feels that this is not the best use of the Planning Board's time.

43
44 Karen Coyne stated that letters have been received from 14 Dimond Lane, 15 Dimond Lane and one other
45 referring to a buffer or some form of vegetation to soften the property. John Leavitt stated that he does
46 believe the Planning Board has an issue with the work that has been done. He stated that during the
47 conceptual consultation an abutters list was not available. He does not feel that it would be out of line for the
48 Planning Board to require a vegetative buffer. Karen Coyne spoke about a possibility of a compromise
49 suggesting bushes or shrubs.

1
2 Mike Smith stated that something needs to be implemented so this does not happen again. Sam Dube stated
3 that when the intent to cut was filed there was no mention of a buffer requirement. He questioned if the land
4 owner has the right to cut. Sam Dube stated that the Town made no mention of a buffer at the time he filed
5 the intent to cut or when the building permit was pulled. Pier D'Aprile asked for clarification on the hours of
6 operation because most of the abutters' concerns relate to the hours of operation. Sam Dube explained that
7 they have owned the property for 25 years and a portion of the property was a bus company that operated 24
8 hours a day, 365 days a year. He spoke about the DOT requirement of a bus inspection which is to check the
9 lights and horn. Sam Dube stated that the bus company has moved locations and this property will now be a
10 sales operation Monday – Friday 7:00 AM to 5:00 PM.

11
12 Ian Rogers read a portion of the Zoning Ordinance ARTICLE XI Town of Warner Zoning Ordinances
13 Commercial District – C1, D "... *Where the natural vegetation does not provide an adequate buffer, the*
14 *Planning Board, through Site Plan Review, may require plantings or fencing to meet the buffer requirement.* "
15 Ian Rogers asked the applicant if he had been advised a few months ago about the 25-foot buffer, would he
16 have not cut what trees were there. Sam Dube stated that he absolutely could have left mature trees. Barak
17 Greene stated that this really is for future decisions. He explained that if this passes the Board is essentially
18 saying a road is the abutter, not the residential neighbor on the other side of the road. He stated that this will
19 open the way for a lot of people to cut trees for a better view.

20
21 James Gaffney stated that there is a buffer there now, acknowledging that it is not a natural vegetative buffer
22 but there is a buffer of grass. Barak Greene referred to RSA 674:68 that talks about protecting residential
23 neighborhoods, mitigating visual and noise impacts, and preserving the character or aesthetics of the
24 property. He said it is something for the Board to take into consideration. James Gaffney acknowledged that
25 the Board still will hear from the abutters. Barak Greene suggested granting a waiver on the residential
26 buffer. James Gaffney stated that the way he reads it, the Planning Board does not have to grant a waiver. He
27 stressed that this is an odd case because the building permit was issued in advance and now the Planning
28 Board is trying to do their due diligence.

29
30 John Leavitt stated that the property line is more than 25 feet away from the residential area, he does not
31 understand why the buffer even comes into play. Ian Rogers stated that it sounds like the applicant acted in
32 good faith and tried to follow the rules. Karen Coyne clarified that the applicant was told by a town
33 employee that he did not have to come before the Planning Board.

34
35 Karen Coyne opened the floor to the abutters.

36
37 Tony Jaworski of Dimond Lane stated that he is looking for clarification on the hours of operation of the
38 maintenance shop. Sam Dube stated that it would be the same as the sales operation (7:00 AM – 5:00 PM)
39 with the occasional Saturday.

40
41 Holly Carlson of Dimond Lane stated her concern is relating to the after-hours business. She noted that in the
42 past, there were late deliveries into the night. Sam Dube stated that there will not be late night deliveries. He
43 explained that the property has experienced a significant number of vehicles using the property as a
44 turnaround for truckers, people sleeping in the parking lot using it as a rest stop. James Gaffney asked if the
45 applicant would consider installing a chain. Sam Dube was not sure that could be done without unintended
46 consequences. John Leavitt spoke about the possibility of utilizing a key code with a chain or gate. He spoke
47 about establishing acceptable delivery times.

1 Tony Jaworski spoke about his concerns about lighting. Sam Dube stated that he would like to be treated
2 just like the other businesses in the area. He would like security lighting.
3 Pier D'Aprile asked if Tony and Holly were residents when the bus company operated at the property? Tony
4 Jawroski confirmed they were and this is the first time in 23 years they were notified as an abutter. Pier
5 D'Aprile asked if they have any of the same complaints since the property has changed use. Pier D'Aprile
6 asked if this is what can be expected from the business. Sam Dube confirmed that this is what can be
7 expected in the future.

8
9 Barb Marty acknowledged that there was miscommunications in the beginning but that does not mean that
10 this Board needs to bend over backwards to relegate their authority to require a buffer. She stated that this
11 business is not like the lumber business that abuts a commercial property, this business abuts a residential
12 zone. Barb Marty acknowledged the property is on Route 103 but the residential properties across the street
13 are abutters. She explained that a buffer is a way to mitigate some of the issues such as lighting and noise.
14 She stated that just because a mistake was made does not mean that the Planning Board should abandon their
15 obligations. Barb Marty stated that this property is over the ground water aquifer and it would be a mistake
16 not to require an engineered drawing of the property, and to determine the kind of fuels, toxins or paints that
17 could be stored on the property. Barb Marty stated that the hours of operation should be set as a condition of
18 this Board. She stated that the plan provided is not to scale. She is really disappointed with the lack of
19 scrutiny.

20
21 John Leavitt stated that the Board is concerned about setting precedent. He stated that the Planning Board
22 must require a reasonable engineered drawing. He stated that his biggest concern with the drawing provided
23 is that it does not show elevations.

24
25 Micah Thompson asked why the Zoning Board Chair is raising these concern now and not earlier in the
26 process. Barb Marty clarified that she sent a letter of concern to the Planning Board back on July 7th when
27 she first learned of it. She reiterated that a mistake made by an employee does not negate this Board's
28 responsibility. Micah Thompson questioned what Barb Marty recommends since the project is complete.
29 Sam Dube concurred that the project is complete except for signage and lighting. Barb Marty stated that
30 signage is within the Planning Boards purview.

31
32 Karen Coyne asked if there is a survey done in the past that could be submitted for the record. She feels that
33 would be an appropriate condition. James Gaffney stated that at this stage requesting an elevation map does
34 not accomplish much. John Leavitt noted the property has flooded in the past and the property is not entirely
35 flat. John Leavitt stated that the contractor has to have that information. He explained that at the consultation
36 that information was requested but it was never submitted.

37
38 Karen Coyne recapped the conditions thus far; submission of a site plan, lighting plan, no storage of fuels on
39 the property and signage. John Leavitt and Mike Smith both would like a gate to be installed. Sam Dube
40 asked if a gate is mandated for everyone else. Pier D'Aprile stated the distinction is the proximity of this
41 property to residential property.

42
43 Nancy Martin, Chair of the Conservation Commission, expressed concern about runoff from maintenance.
44 She would like to see something that will mitigate the runoff. Barb Marty stressed this is the Board's one
45 chance to make sure that it is safe, and to mitigate the impact on the residential zone.

46
47 Ian Rogers stated that the applicant received incorrect information, and this should have come before the
48 Planning Board for site plan review. He asked if this applicant should be held to the same standards as they
49 would have under a site plan review.

1
2 Karen Coyne closed the public hearing.

3
4 Karen Coyne recapped the conditions previously discussed; buffer, submission of a site plan, lighting plan
5 tailored to minimize impact on neighbors, no storage of fuels on the property, hours of operation, wash bay
6 storage tank, signage and gate.
7

8 Buffer: Ian Rogers stated that it is important to note that the applicant acted in good faith and would have left
9 the trees as a buffer had he known. Ian Rogers is reluctant to require a buffer. Barak Greene spoke about the
10 ordinance that requires a buffer. He acknowledged that this is a grey area with no definitive answer. John
11 Leavitt stated that he does not believe the ordinance fits this location. He explained that the property line is
12 more than 25 feet from the nearest residential property. He stated the state road is not a residential property.
13 James Gaffney explained that state law defines an abutter as someone who can be on the other side of the
14 road. Mike Smith noted other properties that do not have a buffer and are within 200 feet from a residential
15 property. Pier D'Aprile stated that the abutters' concerns were more about the noise, lighting and hours of
16 operation which the Board can address. He agrees with Ian Rogers that the Board could make an exception
17 or waiver to their normal policy. Barak Greene agrees but noted it is still a violation of the ordinance. James
18 Gaffney referred to the satellite image of the property that shows the property had a vegetative barrier but not
19 25 feet. He stated that there are other properties around town in the same situation. Barak Greene agreed,
20 stating that a barrier is not necessary. Ian Rogers agreed. No motion was made to require a buffer as a
21 condition.
22

23 Fuel storage: Pier D'Aprile suggested a condition that requires the removal of the diesel tank.
24

25 Hours: The applicant explained previously that the hours are set 7:00 AM -5:00 PM Monday through Friday
26 with a few Saturdays per year. Karen Coyne stated that she is struggling with mandating a specific time
27 frame. The applicant suggested 6:00 AM to 6:00 PM.
28

29 **James Gaffney made a motion seconded by John Leavitt to adopt the business hours of 6:00 AM to**
30 **6:00 PM.**
31

32 *Discussion on the motion*

33 Pier D'Aprile and Barak Greene would prefer adopting the applicant's original request of 7:00 AM -5:00
34 PM. The Board discussed not wanting to limit the business' ability to modify their hours of operation if
35 needed, which would require the applicant to come back to the Planning Board to make a change. The Board
36 agreed to amend the motion to 7:00 AM to 7:00 PM.
37

38 **Amended motion by James Gaffney seconded by Mike Smith to adopt the business hours of 7:00 AM**
39 **to 7:00 PM. Motion passed 6-1-0 John Leavitt voted in the negative**
40

41 Engineered Plan/Drawing:

42 The Board discussed requiring the previous site plan from when the parking lot was constructed. Karen
43 Coyne clarified that this is not a requirement to have a new survey done, the Planning Board is looking for
44 what was submitted when the parking lot was done.
45

46 **Barak Greene made a motion seconded by Pier D'Aprile to require an engineer's or surveyor's**
47 **drawing of the property as it is. Motion passed 6-1-0 James Gaffney voted in the negative**
48

Sam Dube asked for clarification on what is needed and by whom it should be signed. He informed the Planning Board that his local contractor surveyed the property, but he is not a licensed surveyor. He reiterated that he did not hire a firm to survey the property. Pier D'Aprile suggested looking at what is on file currently to see if there is a stamped drawing already on file. Sam Dube suspected the property had been surveyed at some point in the past. James Gaffney suggested that the Planning Board clarify what is being required of the applicant. James Gaffney explained that the vote is asking for an engineering surveyed map that is consistent with what is required of a normal site plan review. Chrissy Almanzar located a septic plan. James Gaffney stated that if the septic plan has enough information in the septic plan, the Planning Board should make a motion to reconsider the previous vote.

John Leavitt called a point of order, stating there are multiple conversations happening. Barak Greene stated that the septic plan does not show the entire lot. James Gaffney clarified that the question is: Does the new lot occupy more or less than 70% of the overall lot?

Lighting: The Planning Board discussed the need for a lighting plan that shows no lighting directed at the residential properties and minimizing direct impact to the residential properties.

James Gaffney made a motion seconded by John Leavitt to require a lighting plan as a condition of approval. Motion passed unanimously.

Gate/Chain:

Pier D'Aprile does not think a gate or chain is going to solve the problem. Mike Smith spoke in support of the gate/chain. Karen Coyne questioned the need for a locked gate. John Leavitt stated that a gate will keep people out. Barak Greene asked if this requirement is fair and consistent to what others are required. He questioned the enforcement of the gate being used. Ian Rogers agreed. John Leavitt stated that abutters have expressed concern about traffic and a gate would be helpful. Karen Coyne stated that when the bus company operated on this property, the neighbors had to deal with buses coming and going day and night. She spoke about the noise of the required bus safety checks (horns). Karen Coyne questioned if the occasional turn around or sleeping in the lot equates to the same disruptions as the bus company.

James Gaffney made a motion seconded by Barak Greene not to require a gate/chain. Motion passed 6-1-0 John Leavitt voted in the negative.

Karen Coyne stated that the sign will go to the Select Board as part of their sign permit. Sam Dube asked if the sign on the building is considered a sign. The applicant was informed that a sign or letters on the building are both covered as part of the sign permit.

James Gaffney made a motion seconded by Barak Greene to approve the application with the conditions listed. Motion passed

Ian Rogers stated that the zoning ordinance article XII will give the applicant the information on signage. Sam Dube recapped what he will need to provide regarding a contractor or surveyor's drawing. James Gaffney asserted that the condition requires that the applicant comply with the requirements of the site plan review. Multiple conversations occurred.

V. UNFINISHED BUSINESS

None

VI. REVIEW MINUTES: July 21, 2025

Tabled

1 **VII. COMMUNICATIONS**

2 None

6 **VIII. REPORTS**

7 **Chair's Report- Chair, Karen Coyne**

8 Karen Coyne advised the Planning Board that the town's legal counsel agrees with the Planning
9 Board's buildable area determination: if the entire building is going to exist in R-2 then buildable
10 area is that of R-2 and if it exists in R-3 then it is the buildable area of R-3. Karen Coyne stated that a
11 motion was not made on that in the past and the Planning Board needs to vote on that determination.

12 **Barak Greene made a motion seconded by Pier D'Aprile that the Planning Board determined the**
13 **buildable area in R-2 was not sufficient for the proposed structures, furthermore a variance is needed.**
14 **Motion passed 6-0-1 Mike Smith abstained.**

15
16 **Select Board – Mike Smith**

17 None

18 **Audit Search Committee – James Gaffney**

19 James Gaffney reported that the committee made five recommendations to the Select Board that they
20 felt were critical to be addressed in order to find a replacement auditor.

21 **Regional Planning Commission - Ben Frost, Barb Marty**

22 None

23 **Economic Development Advisory Committee – James Sherman**

24 None

25 **Agricultural Commission - James Gaffney**

26 None

27 **Regional Transportation Advisory Committee – Tim Blagden**

28 None

29
30 **IX. PUBLIC COMMENT**

31 None

32
33 **X. ADJOURN**

34 The Planning Board meeting adjourned at 9:11 PM.

35
36 Respectfully submitted by Tracy Doherty
37
38
39
40



TOWN OF WARNER

PO Box 265

Warner, New Hampshire 03278-0265

Telephone: (603) 456-2298 ex. 7

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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 7th, April 21st, and July 7th

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.
50

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