



## TOWN OF WARNER

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Warner, New Hampshire 03278-0059  
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### Planning Board Meeting AGENDA

Monday, January 5th, 2026

Town Hall Lower Meeting Room

7:00 PM

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

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

II. **ROLL CALL**

III. **PUBLIC COMMENT**

IV. **UNFINISHED BUSINESS**

A. Proposal for Accessory Dwelling Unit

V. **REVIEW MINUTES:** December 15th

VI. **COMMUNICATIONS**

VII. **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

**HOP II Update** – Bob Holmes

VIII. **PUBLIC COMMENT**

IX. **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.

**WARNER ADU ORDINANCE  
DRAFT 12-01-2025**

**“Accessory Apartment Dwelling Unit”** means a residential living unit that is appurtenant to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. An accessory dwelling unit may be ~~within or~~ attached to the principal dwelling unit. [Amended March 2017 and March 2026]

**“Attached Accessory Dwelling Unit”** means a unit that is within or physically connected to the principal dwelling unit or completely contained within a preexisting detached structure. [Amended March 2026]

**“Detached Accessory Dwelling Unit”** means a unit that is neither within nor physically connected to the principal dwelling unit, nor completely contained within a preexisting detached structure. [Amended March 2026]

**ARTICLE XIV-B**

**Accessory Apartment Dwelling Units**

[Adopted March 2021; Updated March, 2026]

**Requirements for Accessory Dwelling Units Apartment:**

- A. The Accessory Dwelling Units ~~accessory apartment~~ shall be clearly incidental to the primary use of the property. The ~~apartment~~ Accessory Dwelling Unit shall be a completely separate housekeeping unit that can be isolated from the primary dwelling unit ~~but shall have an interior door connecting it to the primary dwelling unit.~~ [Amended March 2017]
- B. Only one ~~accessory apartment~~ Accessory Dwelling Unit, attached or detached, may be created within or attached to a single-family dwelling or accessory building per lot. [Amended March, 2026]
- C. Any Accessory Dwelling Unit ~~accessory apartment~~ whether an addition to or contained within the single-family dwelling or accessory building, shall have an area of no less than 300 square feet and no more than 1,000 square feet., no more than 50% of the heated and finished floor area of the primary dwelling unit, and a maximum of 1,000 square feet of gross floor area. [Amended March, 2026]
- D. All Accessory Dwelling Units shall comply to setback requirements for the District in which the lot is located, subject to F below. ~~applicable regulations of the Town of Warner shall be met before an accessory apartment is permitted. The capacity/design of the septic system shall be verified~~ [Amended March, 2026]

**WARNER ADU ORDINANCE  
DRAFT 12-01-2025**

E. An Accessory Dwelling Unit may be converted from existing structures, including but not limited to detached garages, regardless of whether such structures violate current dimensional requirements for setbacks or lot coverage. Such structures shall not increase the nonconformity or introduce new nonconformities. "Existing" nonconforming structures shall be those in existence prior to July 1, 2025 as demonstrated in one of the following ways:

a. The existing structure could be required to demonstrate that it qualifies as a preexisting, nonconforming structure exempt from the currently applicable dimensional requirements for setbacks and lot coverage according to RSA 674:19 or any local zoning regulation protecting non-conforming structures, or;

a.b. The existing structure received a prior planning or zoning approval or determination it was exempt from the current dimensional requirements for setbacks and lot coverage. [Amended March, 2026]

D.F. ~~Accessory apartments~~ Accessory Dwelling Units are not intended for individual ownership. The title shall be inseparable from the primary dwelling.

E.G. ~~Accessory Dwelling Units~~ ~~Accessory apartments~~ may be located ~~in a detached accessory building on a lot where a single family home is the sole use of the lot as permitted where allowed~~ in TABLE 1 – USE REGULATIONS of this Zoning Ordinance, ~~provided the detached accessory building~~ Accessory Dwelling Unit is within 75 feet of the primary dwelling. [Amended March 2021 and Amended March, 2026]

F.H. The owner shall not separately lease both the primary dwelling unit and the Accessory Dwelling Units ~~accessory apartment~~ at the same time, ~~nor shall an Accessory Dwelling Unit be permitted on leased land~~. [Amended March, 2026]

G.I. ~~Accessory Dwelling Units~~ ~~Accessory apartments~~ may not be established in association with manufactured housing or townhouse-style dwelling units (i.e., attached single family dwellings). [Amended March 17, 2018 and Amended March, 2026]

**WARNER ADU ORDINANCE  
DRAFT 12-01-2025**

**TABLE 1  
Use Regulations**

**Buildings, structures, or land shall be used as permitted by this ordinance. Any use NOT listed in this ordinance is prohibited.** [Amended March 2023]

**RESIDENTIAL**

USES	R-1	R-2	R-3	B-1	C-1	OC-1	INT	OR
1. One-family detached dwelling [Amended March 2012]	P	P	P	P	S	P		P
2. Two-family dwelling [Amended March 2012]	P	P	S	P	S			
3. Multi-family dwelling [Amended March 2012]	P	P	S	P	S			
4. Conversion of existing dwelling structure to multifamily dwelling	P	P	S	P	P	S		
5. Accessory <del>Apartment Dwelling</del> <u>Unit</u> [Adopted March 2012; <u>Updated March, 2026</u> ]	P	P	P	P	<u>P</u>	P	*	P
6. Multi-Family Workforce housing [Amended March 2021]	P	P	S	P	S		S	

**S (Special Exception) P (Permitted)**



## TOWN OF WARNER

PO Box 265

Warner, New Hampshire 03278-0265

Telephone: (603) 456-2298 ex. 7

Email: landuse@warnernh.gov

### Planning Board Meeting Minutes

December 15, 2025 7:00 PM

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

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

The Pledge of Allegiance was recited

#### II. ROLL CALL

Planning Board Member	Present	Absent
Karen Coyne, Chair	✓	
James Gaffney	✓ via Zoom	
Pier D'Aprile		✓
Barak Greene, Vice Chair	✓	
Ian Rogers	✓	
Mike Smith – Select Board	✓ via Zoom	
John Leavitt	✓	
Bob Holmes – Alternate	✓	
Micah Thompson – Alternate	✓	

Karen Coyne announced that the Conceptual Consultation application for Bradley Merring & Jordan Merring has been withdrawn.

James Gaffney joined via Zoom at 7:03 PM. Karen Coyne asked if he would like to be a voting member, James Gaffney confirmed.

#### III. PUBLIC COMMENT

None

#### IV. NEW BUSINESS

##### A. Conceptual Consultation WITHDRAWN

**Applicant:** Bradley Merring & Jordan Merring

**Owner:** Julie & Wayne Beals

**Address:** Map 15, Lot 38-1, 99 Mason Hill Rd

**District:** R-3

**Proposed Use:** Residential

**Details:** Details associated with building an ADU

##### B. Conceptual Consultation

**Applicant:** Nicholas Kimberly

**Owner:** Didi Perhouse

**Address:** Map 15, Lot 12, 71 Old Pumpkin Hill Rd

**District:** R-3

**Proposed Use:** Business

**Details:** Vine farming, winemaking, winery with tasting room

Nicholas Kimberly also known as Nico, explained that after a recent conversation with the building inspector and further research, he believes his agricultural visions and intentions do not require a review but he wanted to share their background and dream with the Planning Board. He spoke about their community engagement

1 and meaningful connections with people in Warner. Nico Kimberly explained that this conceptual plan is  
2 based on land that they do not own but wherever they do find land they welcome public engagement and he  
3 hopes to share their dream to make organic grape farming fit into the future of Warner. Nico Kimberly  
4 explained that he loves fermentation and land-based living. He got started as a cheese maker and went on to  
5 grape growing.

6  
7 Ruth Roudiez (Nico's fiancé) recapped her background of being a plant person with experience in farming  
8 and landscaping. She stated that she owns her own ecological landscaping business. She is a certified  
9 permaculture designer. She is a member of the Kawasiwajo Community Land Trust and the Warner Housing  
10 Committee.

11  
12 Nico Kimberly explained that currently they farm 9 acres of leased land and approximately 8000 grapevines.  
13 He stated that they sell grapes to other wine makers. He explained that they harvest, ferment, and bottle the  
14 wine. He advised the Planning Board that they operate a wine tasting room located in Hooksett, NH. He  
15 explained that they need more production space and are looking for a location that would support a vineyard  
16 and production of the wine.

17  
18 Nico Kimberly stated the principle use would be agricultural and they would plant 3.5 acres of vines. He  
19 stated that the building would be utilized for the production of the grapes, streamlining the workflow. The  
20 building would be a single floor with a basement for wine storage. The main floor would be used for the  
21 processing of the grapes and a tasting room and retail. Nico Kimberly stated that the land is ideal for  
22 growing grapes. He highlighted the agricultural activity in the area. He presented an overview of the area to  
23 depict the layout of the winery, vineyard and sketches of the building depicting layout.

24  
25 Nico Kimberly summarized, explaining that New England is emerging as a wine region with 32 wineries in  
26 the state of NH. Nico Kimberly reiterated that making the wine on site is the best model by reducing the  
27 logistics that have to be managed therefore improving workflow. He stated that they are open to  
28 conversations with anyone who is interested in talking to them.

29  
30 Karen Coyne opened the floor to the Planning Board. James Gaffney requested the slide presentation. Ian  
31 Rogers congratulated Nico and Ruth for the impressive presentation. Micah Thompson stated that he has  
32 sampled the wine and it is fantastic.

33  
34 Ian Rogers asked if there are any challenges or obstacles that might come up. Nico Kimberly spoke about  
35 their search for suitable land which has been the biggest challenge. Micah Thompson asked if they would  
36 continue with the other farming locations or would it be moved to this site. Nico Kimberly explained that it  
37 takes approximately 5 years to for a successful harvest, he stated that he would continue farming the other  
38 locations until the first harvest. Karen Coyne asked about wine retail. Nico Kimberly confirmed that they do  
39 sell their wine and direct to consumer is the most effective model for them. Barak Greene inquired about the  
40 wine tastings. Nico Kimberly advised that the State of NH requires them to have a wine manufacturer's  
41 license that gives them the ability to operate a tasting room out of the same facility that they produce the  
42 wine in. He explained that they are allowed to serve up to two five ounce glasses to an individual or one  
43 tasting flight and one five ounce glass. Nico Kimberly stated that they have to have food available to do that.  
44 He explained that bottle sales are off-premise only.

45  
46 Ian Rogers asked for an estimate of employees. Nico Kimberly estimated two employees in the tasting room,  
47 the vineyard would require 2 or 3, and harvest season would require additional people.

48  
49 Karen Coyne explained that the R-3 would require a special exception from the ZBA. She questioned if the  
50 wine sales would be permitted. Bob Holmes stated that there are many RSA's dealing with agriculture that  
51 might apply. He referred to RSA 21:34-a. He stated that there is a gray area. James Gaffney stated that the

1 agricultural aspect is not in question but it starts to deviate with the sale of goods and food not produced by  
2 the establishment. Nico Kimberly clarified that the State requires them to have food available. He stated  
3 that they are not licensed to be a food establishment. Mike Smith stated that he as a selectmen is excited  
4 about this but he can see James Gaffney's point. Micah Thompson stated that the lavender farm in town does  
5 offer food, he questioned what type of license the lavender farm was issued. Ian Rogers referenced section 5  
6 of RSA 21:34 -a "(5) agritourism, which means attracting visitors to a farm to attend events or activities that are accessory  
7 uses to the primary farm operation, including, but not limited to, being provided a meal, making overnight stays, enjoyment of the  
8 farm environment" He stated that his interpretation, because food is required by the State, is that the food is an  
9 accessory of the wine which is produced on the farm.

10  
11 John Leavitt stated that the state's requirement is to have food available but it does not require it to be sold.  
12 Nico Kimberly confirmed that the food would be sold. Barak Greene referred to the uses for retail and  
13 services table. Barak Greene stated that they would not be principally selling food, they would be selling  
14 prepackaged snacks as a side to their agricultural product. John Leavitt stated that he does not have a  
15 problem with the food he was trying to satisfy the concern expressed by James Gaffney.

16  
17 Barak Greene stated that a site plan review would be required. He noted run off from the parking lot would  
18 need to be considered. He stated that a survey would also be required.

19  
20 James Gaffney explained his question was not a judgement rather he raised the question of the food because  
21 the topic will come as part of the site plan review. He stated that this is an opportunity for the applicant to  
22 consider these questions in advance and to come prepared to the site plan review.

23  
24 John Leavitt raised the question of traffic. Barak Greene explained that traffic impact is not considered until  
25 100 end of day cycle of cars. He doubts there will be over 100 cars. Barak Greene cautioned about the  
26 design and size of the parking lot. Nico Kimberly explained that they can manage that by reservations. John  
27 Leavitt stated that Old Pumpkin Hill Road is lightly traveled road and he encouraged the applicant to be  
28 prepared to address neighbors' concerns. Barak Greene inquired about the hours of operation. Nico  
29 Kimberly stated that currently their hours are 12-5:00 or 6:00 PM on the weekends. Micah Thompson spoke  
30 about a septic plan that would be needed.

31  
32 Nico Kimberly asked for clarification on the need for a site plan review. Karen Coyne explained that it  
33 would not be needed for solely growing a grape vineyard, but the business (winery) could. James Gaffney  
34 pointed out that it is a change in use. Karen Coyne questioned if it would be if it is going from residential use  
35 to agricultural use. Bob Holmes referenced the RSA 21:34-a, that states that at least 35% of the product sales  
36 in dollar volume is attributable to products produced on the farm or farms of the stand owner it would not be  
37 considered a commercial property. Ian Rogers referenced the site plan regulation relative to change in use  
38 section 5 letter B 1b "*any change or expansion in use of a site or structure when such change is materially or*  
39 *substantially different from the previous use such that there is a significant effect on the quantitative or qualitative*  
40 *requirements of these regulations or the zoning ordinance".* He stated that this is going from a residential  
41 building to a farm. Ian Rogers stated that typically when the Planning Board holds a site plan review it is the  
42 different types of commercial buildings or multi-family. He believes the change from residential to a farm  
43 would change the use under the zoning ordinance and would trigger a site plan review. Barak Greene noted  
44 that other areas in the regulation also apply and would trigger a site plan review. Barak Greene asked if other  
45 wines would be sold at the winery. Nico Kimberly explained that grapes from his other locations would be  
46 brought and processed at this location. Ian Rogers read from the RSA 21:34 -a "Marketing or selling at  
47 wholesale or retail, regardless of the manner or form of the transaction, any livestock or products derived principally  
48 from the production of the farm, including, but not limited to items listed in subparagraph (a), whether on-site or off-  
49 site..."

James Gaffney asked if wine is sold at the other locations/operations and he asked if there will be a packaging and shipping operation from this location. Nico Kimberly explained that he is licensed to have one production facility and one place to sell that wine direct to consumer on site. He clarified that he only has one winery. He stated that he is permitted to sell outside of New Hampshire. He confirmed that he would ship wine a few times a year but it is a very small percentage of the business. He stated that a truck would arrive and his staff would load the wine, it is a very small production 3% of sales. He reiterated that the focus is agritourism.

Barak Greene recommends a full site plan review, and he believes the Planning Board would approve this as an agricultural use. He stated that he does not think there is a need to go to the ZBA. Bob Holmes referenced RSA 674:32-c says that the Town must waive rules that unreasonably block farming. Micah Thompson asked about the farm house on the property. Ruth Roudiez stated that the plan is to keep it as a residence and fix it up. Nico Kimberly thanked the Planning Board for their time and input.

## **V. UNFINISHED BUSINESS**

### **A. ADU Ordinance Edits: Continued from 12/1/25**

**Barak Greene made a motion seconded by Karen Coyne to postpone the discussion on the ADU Ordinance edits until the next meeting. Roll Call Vote Rogers YES Leavitt YES Greene YES Thompson YES Gaffney YES Smith YES Coyne YES**

*Discussion on the motion:* Ian Rogers cautioned that the deadline for public hearings is coming up (first regular Planning Board meeting in January). Karen Coyne clarified that it does not have to be a regular meeting it could be done during a work session.

Karen Coyne suggested the first meeting in January should be dedicated to completing the edits and hold the public hearings during a work session. James Gaffney noted that they could meet on a different day they are not held to just Mondays. The Planning Board agreed to dedicate the January 5, 2026 meeting to complete the edits, January 12, 2026 will be the first public hearing and February 2, 2026 will be the second public hearing. Chrissy Almanzar asked about the second public hearing for the site plan review edits on January 12, 2026.

## **VI. REVIEW MINUTES November 17, 2025 and December 1, 2025**

**Barak Greene made a motion seconded by John Leavitt to approve the November 17, 2025 Planning Board meeting minutes as amended. Roll Call Vote Rogers YES Leavitt YES Greene YES Thompson YES Gaffney YES Smith ABSTAIN Coyne YES**

December 1, 2025

**Barak Greene made a motion seconded by Ian Rogers to approve the December 1, 2025 Planning Board meeting minutes as amended. Roll Call Vote Rogers YES Leavitt YES Greene YES Thompson YES Gaffney YES Smith ABSTAIN Coyne YES**

## **VII. COMMUNICATIONS**

Karen Coyne stated that the conceptual consultation packet will be sent to the Planning Board members.

## **VIII. PUBLIC COMMENT**

Ed Mical asked the Planning Board to speak up and clearly so that the audience can hear them. James Gaffney suggested a using a microphone. Mike Smith explained that it is possible.

## **IX. ADJOURN**

The meeting adjourned at 8:16 PM



1  
2 Respectfully submitted by Tracy Doherty

DRAFT