TOWN OF WARNER

P.O. Box 265, 5 East Main Street
Warner, New Hampshire 03278
Land Use Office: (603) 456-2298 ex. 7
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Planning Board Meeting

AGENDA

Monday, November 2, 2026

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. UNFINISHED BUSINESS

V. MINUTES – September 14, 2026, September 28, 2026, October 5, 2026, and October 19, 2026

VI. NEW BUSINESS

a. Conceptual Consultation
Applicant: Bill and Kim Morgan
Owners: same
Address: 137 Mason Hill Rd., Warner NH 03278
Map/Lot: Map 15, Lots 42 and 42-1
District: R-3, low density residential district
Description: Potential subdivision

VII. COMMUNICATIONS

a. White Clover LLC (Holly Riley), Map 35 Lot 3, Application for Conceptual Consultation submitted.

VIII. REPORTS

Chair's Report- Karen Coyne, Chair
Select Board – Michael Smith
Regional Planning Commission – Barbara Marty
Economic Development Advisory Committee – Micah Thompson

Agricultural Commission - James Gaffney
Regional Transportation Advisory Committee – Tim Blagden
HOP II Update – Robert Holmes

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

Audio of meeting available the day after the meeting via email: landuse@warnernh.gov

TOWN OF WARNER
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DRAFT Planning Board Meeting Minutes

September 14, 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 7:04 PM.
The Pledge of Allegiance was recited.

II. ROLL CALL

Planning Board Member	Present	Absent
Karen Coyne, Chair	✓	
James Gaffney	✓ arrived 7:05	
Pier D'Aprile	✓	
Barak Greene, Vice Chair	✓	
Bob Holmes	✓	
Mike Smith – Select Board	✓	
John Leavitt	✓	
Micah Thompson– Alternate		✓
Vacant – Alternate		

III. PUBLIC COMMENT

Ed Mical stated that there is a Flood Plain public open house for Merrimack County on Tuesday September 29, 2026 4:00 to 7:00 PM in Concord at the Concord City Council Chambers 37 Green Street. FEMA and State representatives will be there to answer questions.

IV. UNFINISHED BUSINESS

a) Public Hearing Continued – Site Plan Review

Applicant: Comet LLC
Owners: Comet LLC – Michael Quinn
Agent: Benjamin Osgood, Ranger Engineering Group
Address: Route 103 West, near Route 89 exit 9
Map/Lot: Map 35, Lot 4-1
District: C1 Intervale
Description: Site plan review for commercial building to be occupied by a Dollar General.

Karen Coyne opened the public hearing for Comet LLC, Michael Quinn Map 35 Lot 4-1

Ben Osgood stated that he does not have any revisions to discuss. He stated that they have been waiting for a response from the AOT and Aries Engineering. Ben Osgood noted that AOT agreed that this project is a minor change. He stated that he believes Aries engineering commented that they were fine with the submission. Ben Osgood stated that he does have the lighting design that meets the requirements. Karen Coyne noted that the lighting design came in after the deadline.

Barak Green made a motion seconded by James Gaffney to accept the lighting plan as presented. Motion passed unanimously.

Karen Coyne opened the floor to public comment.

Laura Colburn spoke about the concerns of the community regarding the Dollar General and the future of Warner. She spoke of steps that the Planning Board can take to be proactive to protect the Town. She stated that she has 54 signatures on a letter of concerns. Laura Colburn read a letter.

"A letter of concern regarding the preservation of our town's character and the proposed Dollar General. To the Planning Board of Warner NH. We, the undersigned residents, property owners, business owners, and community members of Warner, do not support the proposed Dollar General store and/or similar chain stores at map 35, lot 4-1, 9 Route 103 West, and wish to make this known to the Planning Board. We also respectfully ask the Planning Board to consider the effect of the proposed Dollar General store and similar chain stores in commercial parts of Warner, and take concrete steps to ensure that all commercial development is in keeping with the town's overall aesthetic and economic character. Warner is a charming and historic community whose character is one of its greatest assets. Our town is defined by its historic buildings, distinctive local businesses, scenic surroundings, and strong sense of community. New development should complement and strengthen that character—not diminish it. We are concerned that a large national discount chain at this location would be inconsistent with the character and appearance of our town. A generic commercial building and its associated signage, parking, lighting, and traffic would create a visual impact that could detract from the historic and welcoming atmosphere that residents and visitors value. We also believe that our limited commercial space should be used thoughtfully. Locally owned businesses contribute to the identity of our community and keep more economic activity within the town. We want to encourage development that brings something distinctive to Warner and supports the small businesses, entrepreneurs, and community institutions that make our town special. We are not opposed to responsible growth or new businesses. We are asking our town officials to consider whether this particular development is appropriate for this particular location and whether it advances the long-term interests and character of our community. We respectfully request that the Planning Board: Carefully consider the effect of the proposed Dollar General development. Give serious consideration to the historic character and visual appearance of the surrounding community. Encourage development that complements our town rather than introducing generic commercial architecture and signage. Prioritize opportunities for locally owned businesses and distinctive community-oriented development. Ensure that future commercial development reflects the values and long-term vision of Warner We believe our town deserves thoughtful development that preserves what makes it unique. Once the character of a historic community is lost, it can be extremely difficult to restore. We therefore respectfully ask our appointed officials to protect the character of Warner now, and for future generations.

The Planning Board addressed another letter sent by Laura Colburn highlighting seven points of concern 1. Substantial work within 24 months required for a modification 2. Parking and circulation location 3. Pedestrian and bicycle accommodation 4. Scale and character 5. Incomplete traffic study by Aries Engineering 6. Existing Development does not indicate exemption 7. Required action within 65 days of application.

1. Substantial work within 24 months required for a modification
Karen Coyne explained that the Planning Board accepted the application as a new application, not a modification. She stressed that a great deal of electrical, sewage, drainage and water work has been done.

2. Parking and circulation location. Karen Coyne stated that has previously been addressed. James Gaffney stated that there are two different points. He stated that one deals with article 10 that applies to zoning district B1 and this is not in district B1. He explained that the second point applies to article XI and that pertains to changing setbacks. James Gaffney stated that the Board has not made any changes to the setback.

3. Pedestrian and bicycle accommodation. James Gaffney stated that the Planning Board cannot force anyone to give up parking. He explained that it would be up to the parties involved not the Planning Board. Barak Greene noted that there is an existing sidewalk.

4. Scale and character; Bob Holmes stated that this is not a strip development it is a single retail structure and the strip development language does not apply to this application.

5. Incomplete traffic study by Aries Engineering. Bob Holmes explained that the Planning Board received a traffic study in 2021, and a traffic count and analysis with this application. He noted that this development will generate less traffic than the previously approved application.

6. Existing Development does not indicate exemption. Barak Greene stated that it is a moot point because it references article XI section C.

7. Required action and written decision within 65 days of application. James Gaffney stated that is a requirement by law. Barak Greene noted that the 65 day period can be extended in agreeance between the applicant and the Planning Board.

Karen Coyne explained that the last request is a denial of the application. She stated that the application has previously been approved and this is the site plan that is being discussed.

James Gaffney explained that the law does not permit the Planning Board to consider or discriminate one applicant over another. He stated that this application is for retail space in a specific zone where retail is permitted use. He stressed that if the Town starts to discriminate against one retailer over another the Town will find itself in court. Bob Holmes agreed.

Laura Colburn stated that she understands points made by James Gaffney. She clarified that her letter is a letter of concern that requests that the Planning Board take action to draft a better ordinance for the future to avoid CBD shops, tattoo shops and data centers coming to town. She stressed that residents want a nice town and ordinances are the only way to protect the town. James Gaffney questioned what a proposed ordinance would look like that would prevent a Dollar General type store from coming to Warner. Laura Colburn stated that she believes a community committee would be helpful, to talk about what the residents want to see and to find the legal verbiage that would make that happen. Karen Coyne pointed out that Warner's EDAC (Economic Development Advisory Committee) has had a hard time recruiting members. She stated that the lot has been vacant for more than five years.

Laura Colburn stated that there are many in the community who would like to sit down with Mr. Quinn and his agent to discuss options for the property. She reiterated that they are not against development but Dollar General is not the right fit. She stated that Dollar General does not have a good reputation as a company. She explained that Dollar General has a $15 million dollar settlement against them for deceptive pricing.

Janet Garcia of Kearsarge Mountain Road stated that she and her husband would like to sign the petition that Laura Colburn referenced. She stated that this is NH, the live free or die state, but things are being shoved down their throats like the apartment building and the Dollar General. She expressed her frustration that a legal challenge would be expensive. She stated that the owner's position that the property has been vacant for 5 years is just the cost of doing business. Janet Garcia stated that there is no need for a Dollar General because Warner has a Market Basket and an Ace Hardware. She stated that just because it is legal does not mean it should be done.

Nancy Martin spoke about a letter from the gas station next door and the non-compete clause or restriction in his deed. She asked what the legalities of the situation are. Karen Coyne acknowledged the letter and noted that the deed restriction relates to petroleum products. James Gaffney stated that the restriction is automotive related. Bob Holmes explained that would be an issue between the two property owners. Barak Greene concurred that the matter is not the Planning Board's purview. Karen Coyne agreed. James Gaffney reiterated that the Planning Board is not making a decision on Dollar General, and it is the Planning Board's responsibility to make a decision over a retail space that is according to the zoning ordinance.

Janet Garcia questioned if the tax payers will have any say over this matter. Karen Coyne explained that the Planning Board must follow the zoning ordinance and if an applicant comes forward with an application that fits the legal requirements the Planning Board cannot deny it.

Carol Ann Sims from Geneva Street stated that the master plan calls for the safety of Warner residents. She stated that Dollar General is criminal organization that just settled their sixth class action lawsuit in the state of Missouri for deceptive pricing and wage theft. She asserted that Dollar General does not pay their employees overtime. Carol Ann Sims stated that Warner residents should be protected from this repeat offender.

Laura Colburn asked if should email Karen Coyne for suggestions on how to address changing the ordinance. Karen Coyne agreed.

Sara McNeil of Old Main Road asked if the EDAC is still active. Karen Coyne explained that Micah Thompson just recently joined the EDAC and they have been looking for a chairman. She spoke about the past unsuccessful efforts to find a business for this location. Sara McNeil spoke about the vacant stores along Main Street. She stated that she is against the Dollar General but if they check all the boxes it cannot be stopped. Nancy Martin stated that there is a bicycle shop moving to Main Street and another location has been purchased recently.

James Gaffney spoke as private citizen, if a citizen does not like a proposed development they always have the opportunity to make the property owner a financial offer to buy the property. He stated that it has happened before in Warner.

Ian Rogers on line of 52 East Main Street applauded Laura Colburn for her efforts. He stated that he signed the letter and he acknowledged the issues surrounding the Dollar General and the effects on Warner. Ian Rogers encouraged the Planning Board to know its role in the conversation about what Warner's future might be and to play a more active role in conjunction with organizations like the EDAC. Ian Rogers stated that there are no easy answers to this but he would like to see the Planning Board be more proactive.

Karen Coyne closed the public comment and opened the floor to Planning Board deliberations.

John Leavitt spoke about the character of the town in this area. He stated that currently there is a McDonald's, two gas stations, a Market Basket and a liquor store. He explained that if the Dollar General was going into the center of town he could understand the argument against it. John Leavitt stated that Warner has a reputation with builders that the town is difficult to work with. He reiterated that the Planning Board's focus is a retail space.

Bob Holmes explained the Superior Court recently reversed the Zoning Board's decision regarding the proposed CATCH housing development. He explained that the 16 page court order addressed the issue of "character of the town". He stated that the court found that the housing development was in keeping with the character of the town in that area. Barak Greene stated that if this was denied and it went to court the Superior Court order is an indication of how the court would lean.

Bob Holmes made a motion to approve the application. Karen Coyne stated that there are few conditions to discuss. Bob Holmes withdrew his motion.

Pier D'Aprile suggested postponing a vote until after the CATCH Housing public hearing because there are a few cross over issues. Barak Greene questioned what the crossover issues are. Pier D'Aprile stated that crossover issues relate to the interval district and the Board should address them. John Leavitt stated that the

crossover issues should be addressed now with this application versus using another application. Barak Greene stated that they are two separate applications.

Pier D'Aprile explained that there should be a moratorium on building in the interval district until the development issues are flushed out. Karen Coyne noted that some of the issues are related to the emergency services and walkability in the area. Pier D'Aprile explained the direct connection between the two is safety as it relates to population. He stated that if Warner reaches 3000 people the town does not have a plan and is unprepared to deal with that. He stated that the Planning Board has delayed updating the master plan. Pier D'Aprile noted that the town has not heard back from Eversource who is an abutter to the other application and there could be an impact on public safety. He stated that there are concerns regarding emergency service and response as it relates to a new retail space and a large housing development. Pier D'Aprile stated that the future cost for ambulance service is still unknown. Pier D'Aprile reiterated there needs to be a moratorium for a year and the Planning Board needs to update the master plan, consider a charrette if needed and emergency service to the area and research the flood plain. Pier D'Aprile stated that the traffic study did not include a 34 housing unit development in this area. He spoke about sidewalks. Pier D'Aprile stated that the message conveyed tonight is that residents do feel like they are being heard. He acknowledged the Planning Board must follow the law.

Karen Coyne stated that these are two separate applications should be considered as such. Barak Greene explained that the Planning Board cannot establish a moratorium but they can recommend that one be established. Karen Coyne agreed that it would need to go to Town Meeting. Barak Greene stated that the Planning Board has a very narrow window in which to approve or deny. He does not believe there is time. Pier D'Aprile stated a special town meeting could be considered.

John Leavitt stated that all points mentioned by Pier all valid and have been discussed. He believes the driving issue is that the residents do not like the Dollar General or the apartment development not necessarily a retail development. Pier D'Aprile stressed that this is about the growth of the Town particularly in the interval district and the need to update the master plan. John Leavitt agreed but feels that it is late for the two applications. Pier D'Aprile stated that the housing development is a 99 year commitment because it is HUD. He pointed out that on the other side of Route 9 there is another big retail development site that is for sale. He stressed that as a Planning Board they are not prepared to address these issues. Barak Greene stated that this is not the first apartment development considered. He stated that the Board has been discussing these issues each time.

James Gaffney stated that the Planning Board needs to focus on the application before them. Barak Greene explained that the plan going forward with or without a master plan will always be to maintain the town, keep it safe, keep the roads together and make sure homes are safe. James Gaffney would like to see consideration be given to the impact of taxes and tax rates as part of the master plan. Barak Greene explained that the Board cannot take into consideration the tax value of application.
Karen Coyne introduced a condition for approval that she is contemplating (New England schema). She would like the applicant to use a modified architectural prototype design that reflects traditional rural New England commercial architecture. Corporate prototypes featuring large areas of bright colors, standardized national branding facades, franchise architectural elements or other design features inconsistent with the rural character shall not be permitted. Exterior building finishes shall utilize muted monochromatic earth tones including shades of brown gray tan and natural wood. Mr. Quinn explained that they requested that the yellow in the Dollar General logo be muted. He explained that Dollar General would like to see in the zoning ordinance where it requires them to change their national sign which is the recognition of their company. Karen Coyne pointed to the language in the ordinance that refers to the value and charm. Mr. Quinn reiterated that for Dollar General to comply with that it must be included in the ordinance.

Karen Coyne made a motion seconded by Pier D'Aprile that the applicant to use a modified architectural prototype design that reflects traditional rural New England commercial architecture. Commercial prototypes featuring large areas of bright colors, standardized national branding facades, franchise architectural elements or other design features inconsistent with the rural character shall not be permitted. All exterior building finishes shall utilize muted monochromatic earth tones including shades of brown gray tan and natural wood or other colors approved by the Planning Board that complement the surrounding landscape. Motion Failed

Discussion on the motion: Ben Osgood explained that they followed the architectural by-laws to meet the regulations. Mr. Quinn stated that they spent a lot of time, money and engineering to meet the Board's requests. Mr. Quinn asked if it is the Boards intention put a contingency on the approval that the sign must conform to the bylaws. Karen Coyne explained that the Planning Board has the authority under article XII, sign regulations and the site plan review to have a condition that the applicant shall use a modified architectural porotype design to reflect traditional rural New England commercial architecture for both the building and the sign on the building. John Leavitt asked other than the sign how does what has been presented not conform. James Gaffney stated that there is nothing New England about a neon yellow sign. Karen Coyne agreed. James Gaffney noted that he does not have any issue with the building architecture. John Leavitt stated that it is an attractive building more so than the liquor store. Karen Coyne stated that past mistakes cannot be a factor now.

Bob Holmes agrees that the building conforms, it is the sign that does not conform. Mr. Quinn stated that the McDonald arches are bright yellow. Karen Coyne reiterated that past transgressions cannot demand the future. Mr. Quinn explained that a significant time and money has been spent on this. Karen Coyne appreciates what has been done. Mr. Quinn asked for a vote tonight.

Pier D'Aprile agreed to second the motion. Barak Greene stated that this is an application that has been on the table and the Board should use the standard used in the past. Karen Coyne explained that the Board does not have to go by the standard used in the past. She clarified that the Board must use the standards in the zoning ordinance and that does include New England architecture and charm.

Bob Holmes made a motion seconded by John Leavitt to approve the site plan as presented for Comet LLC, Michael Quinn, Map 35 Lot 4-1. Motion Passed, Karen Coyne and Pier D'Aprile voted in the negative.

Karen Coyne closed the public hearing for Comet LLC, Michael Quinn Map 35 Lot 4-1.

b) Public Hearing Continued – Site Plan Review

Applicant: Tom Frutado, CATCH Neighborhood Housing
Owner: Comet LLC – Adam Quinn
Agent: Ben Osgood, Ranger Engineering Group
Address: Route 103 West, near Route 89 exit 9
Map/Lot: Map 35 Lot 4-3
District: C1 Intervale
Description: Site plan review for 34 unit workforce housing

Karen Coyne opened the public hearing for CATCH Neighborhood Housing Comet LLC Map 35 Lot 4-3

Ben Osgood stated that the plans have been updated to reflect the concerns raised by the Planning Board. He stated that he has spoken to the Town's engineer from Aries. Ben Osgood noted that he has addressed the

comments from Aries Engineering, the Planning Board and WRLAC. Karen Coyne announced that the materials Ben Osgood is distributing just recently came in. Mike Smith stated that materials submitted after the deadline is unacceptable. He stated that there is not enough time for the Board to review the material in preparation for the meeting. James Gaffney concurred, noting that there is a deadline for reason.

Ben Osgood explained that he has been working with George Holt to get the drainage issues ironed out. He informed the Planning Board that they added a cross walk across Route 103, added a fire lane in front of the building, and addressed the fire truck issues. Karen Coyne asked if the new plans have been sent to the fire department. Ben Osgood stated that he not sent them to the fire department. James Gaffney spoke about a concern that he has heard from the fire chief. The turning radius was calculated based on the wheel base and not on the actual dimensions of the truck. He explained that Warner is part of a 27 town mutual aid program. The city of Concord has a truck (Tower truck) that it is larger than a ladder truck. James Gaffney stated that the calculation for radius should account for the size of that truck. Ben Osgood will look into that.

Ben Osgood explained that the plan now reflects both the old and the new flood plain. He stated that the new flood plain is 122.7 and the parking lot is above that. He explained that there is some work in the flood plain such as the exiting grade in the back is 122. He informed the Board that it is not in the flood way, noting that it is acceptable to work in the flood plain but not in the flood way. Ben Osgood stated that the Conservation Commission's request for fencing will be honored. Ben Osgood explained that the drainage numbers are acceptable noting that it all has the capacity. He stated that he is working with George to analyze the items upstream.

Karen Coyne opened the floor to public comment.

Nancy Martin Chair of Conservation Commission read a letter sent to the applicant.
The Warner Conservation Commission (WCC) is concerned about the impact of the CATCH project on the existing RAW Conservation Easement, the Town aquifer, and the Warner River. In addition to the environmental and hydrological concerns set forth in the July 12, 2026 letter from Daniel Morrissey, WRLAC, to Karen Coyne, Warner Planning Board, the WCC has the following additional concerns: The plan presented by Ranger Engineering indicates there are areas adjacent to the easement that show fencing and sections of a concrete retaining wall. The WCC asks that the proposed four foot high chain link fence be extended along the entire border to delineate and separate the CATCH project area from the RAW conservation easement. With your approval, the WCC will provide and post medallions on the fence to identify the boundary of the conservation easement. A sign posted on the fencing will explain to residents and the public the importance of conservation easements for the protection of the wetland habitat and wildlife that live in and around the river. We also ask that you leave as many of the large trees as possible that grow along the boundary with Dunkins. Saving the large trees will provide natural cooling, screening, wildlife habitat and an attractive entry into Warner Village. I have also attached the letter from Dan Morrissey at the Warner River Local Advisory Committee with this request. Respectfully, Nancy Martin, Chair Warner Conservation Commission
Nancy Martin stated that the Conservation Commission would like the applicant to save as many of the large oak trees as they can.

Janet Garcia stated that she has the right to have an opinion and the previous response that anyone can buy them out is a stupid comment because not too many private citizens can do that. She stated that she does not understand how this building can be built with the cost to the residents of Warner. She believes that the owner of the building will make out like a bandit, getting free money to build this. She stated that the owner will receive rent and pay virtually no taxes. Janet Garcia spoke about taxes that will be collected for the students who live in Warner. She stated that it costs $30,000 to educate a student. She stated that the taxes in Warner are too high. She spoke about the added expenses to the fire, police and water department. Janet Garcia noted that the rotary will see increase in traffic. She stated that this will impact the town and no one seems to care. She would support a moratorium and the only winner here is CATCH.

Sara McNeil spoke about other CATCH properties in Concord. She advised the Planning Board that those properties are nicely maintained. Sara McNeil explained that the residents are vetted closely. She disputed the $30,000 per student for education. She stated that this is a stepping stone for most residents. She spoke about the lack of housing throughout the state.

Janet Garcia asserted that it does cost $29,000 to educate a student. She stated that the people who will live in this development are transient people. She asserted that it is subsidized housing and the residents are paying for it.

Karen Coyne closed the public comment.

Karen Coyne continued the discussion to the September 28, 2026 meeting. Barak Greene asked if it has been decided if the applicant plans to build a sidewalk on the southern side of Route 109 to connect to Dunkin Donuts. Ben Osgood confirmed. Karen Coyne hopes they will have the Aries Engineering report by then.

Ben Osgood requested a continuance until September 28, 2026.

c) Public Hearing – Changes to the Site Plan Review Regulations resulting from the updates to the Flood Plain Development Ordinance approved by the Select Board on August 25, 2026.

Karen Coyne opened the public hearing.

There were no concerns or questions from the Planning Board or public.

Barak Greene made a motion seconded by Pier D'Aprile to approve the new site plan regulations resulting from the updates to the flood plain development ordinance. Motion passed unanimously

Karen Coyne closed the public hearing.

V. New Business

a) Application submitted for Lot Line Adjustment

Applicant: Michael & Liberte Dragon Map 10 Lot 19-1 and 20

Eric Buck from Terrain Planning informed the Planning Board that he is in for Jack Wedger who is out of town. He explained that lot 19-1 has 3.8 acres and lot 20 is 1.09 which includes a fenced in in ground pool. He explained that this would transfer 1.03 acres from lot 19-1 to lot 20. Eric Buck explained that after the transfer lot 20 will become lot 19-1 with 2.1 acres and lot 19-1 will contain 2.85 acres and become lot 20.

Eric Buck informed the Board that the lot line adjustment plans have been submitted and verified by Jacques Belanger a licensed surveyor. Karen Coyne explained that the Board cannot change map and lot numbers. She stated that would be a decision by the Assessing Department. James Gaffney asked if both lots will have the required minimum buildable area. Eric Buck confirmed.

The Planning Board reviewed the application to confirm it is complete. James Gaffney confirmed that all fees have been received and abutters have been notified.

Barak Greene made a motion seconded by Pier D'Aprile to accept the application for a lot line adjustment for Michael and Liberte Dragon on Map 10 Lot 19-1 and 20 as complete with the exception of the changing of lot number as complete. Motion passed

Karen Coyne noted that a condition of approval will be that lot numbers are not changed. James Gaffney stated that the buildable area needs to be confirmed. Eric Buck explained that post lot line adjustment one lot will have 2.85 acres and the other will be 2.12 acres (total area). He stated that there are no wetlands on lot 19-1. He explained that the house will be located on lot 19-1. James Gaffney suggested that they do not have enough information to determine if there is enough buildable area. Karen Coyne stated that without the buildable area this will be continued until the September 28, 2026 meeting.

Eric Buck requested a continuance until September 28, 2026
Karen Coyne continued the public hearing for a lot line adjustment for Michael and Liberte Dragon on Map 10 Lot 19-1 and 20 until September 28, 2026.

b) Application submitted for Minor 2 lot subdivision
Applicant: Robert Leahy Map 9 Lot 13

Karen Coyne opened the public hearing for a Minor 2 lot subdivision Applicant: Robert Leahy Map 9 Lot 13 She confirmed that all fees have been received and abutters have been notified.

Eric Buck explained that the applicant is seeking to subdivide his 4.73 acre lot into two single family residential lots. He stated that the parcel is in the R2 district. Eric Buck informed the Planning Board that lot 13 will consist of 2.37 acres and the newly created lot 13-1 will consist of 2.36 acres. Karen Coyne asked for clarification on the state approved water and septic permit. Eric Buck stated that the permit is pending. Karen Coyne noted the state approved water and septic permit would be a condition of approval. James Gaffney asked about the location of a driveway. Robert Leahy explained that he has not decided if he will build a house his intention is subdivide the lot right now and aim for 3-5 years from now to build. Mr. Leahy clarified that he meant there is state subdivision approval pending, not septic or water.

James Gaffney made a motion and seconded by Pier D'Aprile to accept the application for Robert Leahy for a minor two lot subdivision Map 9 Lot 13 as substantially complete. Motion passed, John Leavitt abstained.

Karen Coyne opened the floor for public comment from abutters. No public comment from abutters was given. Karen Coyne opened the floor for general public comment. Nancy Martin inquired about the Woods Trail as depicted on the map. She asked if there is a right of way. James Gaffney stated there is nothing in the deed. Robert Leahy explained that there is not an easement or right of way.

Ed Mical stated that the agenda does not indicate that this is a public hearing, he asked if it noticed as a public hearing. Karen Coyne confirmed that it was noticed as a public hearing and it was an omission on the agenda. She stated that the next item of business is also a public hearing.

Barak Greene questioned the line on the plan that is identified as 647B and 559C. He asked if that should be better identified. Eric Buck stated that it refers to the soils.

James Gaffney made motion seconded by Pier D'Aprile to approve the Robert Leahy minor two lot subdivision Map 9 Lot 13. Motion passed

c) Application submitted for Site Plan Review
Applicant Ron King, Natural Playgrounds Shop Priorities Map 3 Lot 40

Karen Coyne opened the public hearing for Ron King Natural Playgrounds Shop Priorities Map 3 Lot 40. She confirmed proper noticing, all fees have been received and abutters were notified.

Doug Brodeur and Jasper Anderson from Meridian Land Services and Ron King and Ethan King owners of Natural Playgrounds presented a site plan review application. Doug Brodeur explained that the property is located on Warner Road on the town line with Hopkinton. Doug Brodeur stated that a surface pond and wetlands are depicted on the plans. Doug Brodeur explained that they are proposing to construct a 125x250 (18,750 sq. ft.) warehouse/manufacturing facility. Doug Brodeur pointed out the location of the driveway and parking area. He stated that is very little if any customers at the site because most sales are generated online. He explained that there are eleven employees. Doug Brodeur explained that they will be revising the plan to eliminate five parking spaces along the side.

Karen Coyne explained that the Board needs to determine if the application is complete. Barak Greene stated that he is unable to locate the magnetic north. Doug Brodeur explained that they do not generally show magnetic north on their plans since GPS is now available but they will add it if necessary. Karen Coyne stated that it could be a condition of approval. James Gaffney stated that the deed is not included. The Board agreed to accept the application and as a condition of approval the deed needs to be provided.

Barak Greene made a motion seconded by James Gaffney to accept the application for site plan review for Ron King Natural Playgrounds Shop Priorities Map 3 Lot 40 as mostly complete. Motion passed.

Karen Coyne opened the floor for public comment from abutters, no abutters offered public comment. She opened the floor to general public comment.

Ed Mical stated that the agenda does not indicate that this is a public hearing. James Gaffney acknowledged the error on the agenda and assured him that the statutory requirements for noticing were met.

James Gaffney asked about the notation existing well to be removed. Doug Brodeur explained that existing well will be removed and the plan does illustrate the location of the new well. Doug Brodeur explained the storm water pond that will serve as an infiltration pond. He stated that they dug six test pits to confirm the seasonal high water table as well as filtration rates.

Barak Greene made a motion to ask Aries to review the site plan for compliance. No second received.

Pier D'Aprile questioned the type of chemicals that will be on the site. Mr. King explained that they use one product to treat for UV protection. Pier D'Aprile asked about the burning of scrap materials. Mr. King assured the Board that they will not be burning scrap material. James Gaffney asked for clarification on the hours of operation and the schedule time frame of delivery trucks. Mr. King stated that hours of operation and deliveries is 9:00-5:00 Monday through Friday.

David Frye (online) asked for additional clarification on the hours of operation. He asked if there are any plans of a second and third shift. Mr. King stated that there is no production beyond the hours of 9:00-5:00.

James Gaffney suggested a vote on the regional impact and noise levels. He asked Mr. King for an estimate of noise level inside and outside at street level. Mr. King estimated the inside to be between 60 and 70 decibels and at street level to be 20 decibels. Barak Greene explained that he is curious about the noise level because the Board did receive an email regarding the HVAC on this building.

James Gaffney made a motion Barak Greene that the Planning Board determined that this is not a development of regional impact. Motion passed.

Karen Coyne recapped the conditions of approval, magnetic north, deed to be provided, septic and well approvals. Barak Greene would like the Board to request an NOI for SWIP from sites that are disturbing more than one acre. Mr. King stated that there are notes covering that on the control plan. Barak Greene asked if an environmental study or if he reached out to the state regarding historical properties. Mr. King explained that has not been done yet. Barak Greene stated that the NOI ties everything together eliminating the need for separate studies.

James Gaffney made a motion seconded by Pier D'Aprile to continue the public hearing Ron King Natural Playgrounds Shop Priorities Map 3 Lot 40 to the September 28, 2026 work session with the conditions of approval being magnetic north and the deed to be provided. Motion passed.

IV. Minutes – August 3, 2026 and August 17, 2026

August 3, 2026

James Gaffney made a motion seconded by Pier D'Aprile to approve the August 3, 2026 Planning Board meeting minutes as amended. Motion passed, Mike Smith Abstained.

August 17, 2026

Barak Greene made a motion seconded by Bob Holmes to approve the August 17, 2026 Planning Board meeting minutes as amended. Motion passed, Mike Smith Abstained

VI. Communications

Barak Greene made a motion to write a letter to the Select Board outlining that the Planning Board would like them to find a solution for the website issues. Motion withdrawn

Barak Greene suggested an exploratory committee to identify specifically what the website issues are and how to rectify the issues. Karen Coyne suggested discussing it during a meeting. Peg Bastien will mention it during her monthly meeting with the Select Board.

X. Adjourn

The meeting adjourned at 9:55 PM

Respectfully Submitted by Tracy Doherty

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

September 14, 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 7:04 PM.
The Pledge of Allegiance was recited.

II. ROLL CALL

Planning Board Member	Present	Absent
Karen Coyne, Chair	✓	
James Gaffney	✓ arrived 7:05	
Pier D'Aprile	✓	
Barak Greene, Vice Chair	✓	
Bob Holmes	✓	
Mike Smith – Select Board	✓	
John Leavitt	✓	
Micah Thompson– Alternate		✓
Vacant – Alternate		

III. PUBLIC COMMENT

Ed Mical stated that there is a Flood Plain public open house for Merrimack County on Tuesday September 29, 2026 4:00 to 7:00 PM in Concord at the Concord City Council Chambers 37 Green Street. FEMA and State representatives will be there to answer questions.

IV. UNFINISHED BUSINESS

a) Public Hearing Continued – Site Plan Review

Applicant: Comet LLC
Owners: Comet LLC – Michael Quinn
Agent: Benjamin Osgood, Ranger Engineering Group
Address: Route 103 West, near Route 89 exit 9
Map/Lot: Map 35, Lot 4-1
District: C1 Intervale
Description: Site plan review for commercial building to be occupied by a Dollar General.

Karen Coyne opened the public hearing for Comet LLC, Michael Quinn Map 35 Lot 4-1

Ben Osgood stated that he does not have any revisions to discuss. He stated that they have been waiting for a response from the AOT and Aries Engineering. Ben Osgood noted that AOT agreed that this project is a minor change. He stated that he believes Aries engineering commented that they were fine with the submission. Ben Osgood stated that he does have the lighting design that meets the requirements. Karen Coyne noted that the lighting design came in after the deadline.

Barak Green made a motion seconded by James Gaffney to accept the lighting plan as presented. Motion passed unanimously.

Karen Coyne opened the floor to public comment.

Laura Colburn spoke about the concerns of the community regarding the Dollar General and the future of Warner. She spoke of steps that the Planning Board can take to be proactive to protect the Town. She stated that she has 54 signatures on a letter of concerns. Laura Colburn read a letter.

"A letter of concern regarding the preservation of our town's character and the proposed Dollar General. To the Planning Board of Warner NH. We, the undersigned residents, property owners, business owners, and community members of Warner, do not support the proposed Dollar General store and/or similar chain stores at map 35, lot 4-1, 9 Route 103 West, and wish to make this known to the Planning Board. We also respectfully ask the Planning Board to consider the effect of the proposed Dollar General store and similar chain stores in commercial parts of Warner, and take concrete steps to ensure that all commercial development is in keeping with the town's overall aesthetic and economic character. Warner is a charming and historic community whose character is one of its greatest assets. Our town is defined by its historic buildings, distinctive local businesses, scenic surroundings, and strong sense of community. New development should complement and strengthen that character—not diminish it. We are concerned that a large national discount chain at this location would be inconsistent with the character and appearance of our town. A generic commercial building and its associated signage, parking, lighting, and traffic would create a visual impact that could detract from the historic and welcoming atmosphere that residents and visitors value. We also believe that our limited commercial space should be used thoughtfully. Locally owned businesses contribute to the identity of our community and keep more economic activity within the town. We want to encourage development that brings something distinctive to Warner and supports the small businesses, entrepreneurs, and community institutions that make our town special. We are not opposed to responsible growth or new businesses. We are asking our town officials to consider whether this particular development is appropriate for this particular location and whether it advances the long-term interests and character of our community. We respectfully request that the Planning Board: Carefully consider the effect of the proposed Dollar General development. Give serious consideration to the historic character and visual appearance of the surrounding community. Encourage development that complements our town rather than introducing generic commercial architecture and signage. Prioritize opportunities for locally owned businesses and distinctive community-oriented development. Ensure that future commercial development reflects the values and long-term vision of Warner We believe our town deserves thoughtful development that preserves what makes it unique. Once the character of a historic community is lost, it can be extremely difficult to restore. We therefore respectfully ask our appointed officials to protect the character of Warner now, and for future generations.

The Planning Board addressed another letter sent by Laura Colburn highlighting seven points of concern 1. Substantial work within 24 months required for a modification 2. Parking and circulation location 3. Pedestrian and bicycle accommodation 4. Scale and character 5. Incomplete traffic study by Aries Engineering 6. Existing Development does not indicate exemption 7. Required action within 65 days of application.

1. Substantial work within 24 months required for a modification
Karen Coyne explained that the Planning Board accepted the application as a new application, not a modification. She stressed that a great deal of electrical, sewage, drainage and water work has been done.

2. Parking and circulation location. Karen Coyne stated that has previously been addressed. James Gaffney stated that there are two different points. He stated that one deals with article 10 that applies to zoning district B1 and this is not in district B1. He explained that the second point applies to article XI and that pertains to changing setbacks. James Gaffney stated that the Board has not made any changes to the setback.

3. Pedestrian and bicycle accommodation. James Gaffney stated that the Planning Board cannot force anyone to give up parking. He explained that it would be up to the parties involved not the Planning Board. Barak Greene noted that there is an existing sidewalk.

4. Scale and character; Bob Holmes stated that this is not a strip development it is a single retail structure and the strip development language does not apply to this application.

5. Incomplete traffic study by Aries Engineering. Bob Holmes explained that the Planning Board received a traffic study in 2021, and a traffic count and analysis with this application. He noted that this development will generate less traffic than the previously approved application.

6. Existing Development does not indicate exemption. Barak Greene stated that it is a moot point because it references article XI section C.

7. Required action and written decision within 65 days of application. James Gaffney stated that is a requirement by law. Barak Greene noted that the 65 day period can be extended in agreeance between the applicant and the Planning Board.

Karen Coyne explained that the last request is a denial of the application. She stated that the application has previously been approved and this is the site plan that is being discussed.

James Gaffney explained that the law does not permit the Planning Board to consider or discriminate one applicant over another. He stated that this application is for retail space in a specific zone where retail is a permitted use. He stressed that if the Town starts to discriminate against one retailer over another the Town will find itself in court. Bob Holmes agreed.

Laura Colburn stated that she understands points made by James Gaffney. She clarified that her letter is a letter of concern that requests that the Planning Board take action to draft a better ordinance for the future to avoid CBD shops, tattoo shops and data centers coming to town. She stressed that residents want a nice town and ordinances are the only way to protect the town. James Gaffney questioned what a proposed ordinance would look like that would prevent a Dollar General type store from coming to Warner. Laura Colburn stated that she believes a community committee would be helpful, to talk about what the residents want to see and to find the legal verbiage that would make that happen. Karen Coyne pointed out that Warner's EDAC (Economic Development Advisory Committee) has had a hard time recruiting members. She stated that the lot has been vacant for more than five years.

Laura Colburn stated that there are many in the community who would like to sit down with Mr. Quinn and his agent to discuss options for the property. She reiterated that they are not against development but Dollar General is not the right fit. She stated that Dollar General does not have a good reputation as a company. She explained that Dollar General has a $15 million dollar settlement against them for deceptive pricing.

Janet Garcia of Kearsarge Mountain Road stated that she and her husband would like to sign the petition that Laura Colburn referenced. She stated that this is NH, the live free or die state, but things are being shoved down their throats like the apartment building and the Dollar General. She expressed her frustration that a legal challenge would be expensive. She stated that the owner's position that the property has been vacant for 5 years is just the cost of doing business. Janet Garcia stated that there is no need for a Dollar General because Warner has a Market Basket and an Ace Hardware. She stated that just because it is legal does not mean it should be done.

Nancy Martin spoke about a letter from the gas station next door and the non-compete clause or restriction in his deed. She asked what the legalities of the situation are. Karen Coyne acknowledged the letter and noted that the deed restriction relates to petroleum products. James Gaffney stated that the restriction is automotive related. Bob Holmes explained that would be an issue between the two property owners. Barak Greene concurred that the matter is not within the Planning Board's purview. Karen Coyne agreed. James Gaffney reiterated that the Planning Board is not making a decision on Dollar General, and it is the Planning Board's responsibility to make a decision over a retail space that is according to the zoning ordinance.

Janet Garcia questioned if the tax payers will have any say over this matter. Karen Coyne explained that the Planning Board must follow the zoning ordinance and if an applicant comes forward with an application that fits the legal requirements the Planning Board cannot deny it.

Carol Ann Sims from Geneva Street stated that the master plan calls for the safety of Warner residents. She stated that Dollar General is a criminal organization that just settled their sixth class action lawsuit in the state of Missouri for deceptive pricing and wage theft. She asserted that Dollar General does not pay their employees overtime. Carol Ann Sims stated that Warner residents should be protected from this repeat offender.

Laura Colburn asked if she should email Karen Coyne for suggestions on how to address changing the ordinance. Karen Coyne agreed.

Sara McNeil of Old Main Road asked if the EDAC is still active. Karen Coyne explained that Micah Thompson just recently joined the EDAC and they have been looking for a chairman. She spoke about the past unsuccessful efforts to find a business for this location. Sara McNeil spoke about the vacant stores along Main Street. She stated that she is against the Dollar General but if they check all the boxes it cannot be stopped. Nancy Martin stated that there is a bicycle shop moving to Main Street and Kearsarge Insurance location has been purchased recently.

James Gaffney spoke as private citizen, if a citizen does not like a proposed development they always have the opportunity to make the property owner a financial offer to buy the property. He stated that it has happened before in Warner.

Ian Rogers on line of 52 East Main Street applauded Laura Colburn for her efforts. He stated that he signed the letter and he acknowledged the issues surrounding the Dollar General and the effects on Warner. Ian Rogers encouraged the Planning Board to know its role in the conversation about what Warner's future might be and to play a more active role in conjunction with organizations like the EDAC. Ian Rogers stated that there are no easy answers to this but he would like to see the Planning Board be more proactive.

Karen Coyne closed the public comment and opened the floor to Planning Board deliberations.

John Leavitt spoke about the character of the town in this area. He stated that currently there is a McDonald's, two gas stations, a Market Basket and a liquor store. He explained that if the Dollar General was going into the center of town he could understand the argument against it. John Leavitt stated that Warner has a reputation with builders that the town is difficult to work with. He reiterated that the Planning Board's focus is on a retail space.

Bob Holmes explained the Superior Court recently reversed the Zoning Board's decision regarding the proposed CATCH housing development. He explained that the 16 page court order addressed the issue of "character of the town". He stated that the court found that the housing development was in keeping with the character of the town in that area. Barak Greene stated that if this was denied and it went to court the Superior Court order is an indication of how the court would lean.

Bob Holmes made a motion to approve the application. Karen Coyne stated that there are few conditions to discuss. Bob Holmes withdrew his motion.

Pier D'Aprile suggested postponing a vote until after the CATCH Housing public hearing because there are a few cross over issues. Barak Greene questioned what the crossover issues are. Pier D'Aprile stated that crossover issues relate to the interval district and the Board should address them. John Leavitt stated that the

crossover issues should be addressed now with this application versus using another application. Barak Greene stated that they are two separate applications.

Pier D'Aprile explained that there should be a moratorium on building in the interval district until the development issues are flushed out. Karen Coyne noted that some of the issues are related to the emergency services and walkability in the area. Pier D'Aprile explained the direct connection between the two is safety as it relates to population. He stated that if Warner reaches 3000 people the town does not have a plan and is unprepared to deal with that. He stated that the Planning Board has delayed updating the master plan. Pier D'Aprile noted that the town has not heard back from Eversource who is an abutter to the other application and there could be an impact on public safety. He stated that there are concerns regarding emergency service and response as it relates to a new retail space and a large housing development. Pier D'Aprile stated that the future cost for ambulance service is still unknown. Pier D'Aprile reiterated there needs to be a moratorium for a year and the Planning Board needs to update the master plan, consider a charrette if needed and emergency service to the area and research the flood plain. Pier D'Aprile stated that the traffic study did not include a 34 housing unit development in this area. He spoke about sidewalks. Pier D'Aprile stated that the message conveyed tonight is that residents do not feel like they are being heard. He acknowledged the Planning Board must follow the law.

Karen Coyne stated that these are two separate applications and should be considered as such. Barak Greene explained that the Planning Board cannot establish a moratorium but they can recommend that one be established. Karen Coyne agreed that it would need to go to Town Meeting. Barak Greene stated that the Planning Board has a very narrow window in which to approve or deny. He does not believe there is time. Pier D'Aprile stated a special town meeting could be considered.

John Leavitt stated that all points mentioned by Pier are valid and have been discussed. He believes the driving issue is that the residents do not like the Dollar General or the apartment development not necessarily a retail development. Pier D'Aprile stressed that this is about the growth of the Town particularly in the interval district and the need to update the master plan. John Leavitt agreed but feels that it is too late for the two applications. Pier D'Aprile stated that the housing development is a 99 year commitment because it is HUD. He pointed out that on the other side of Exit 9 there is another big retail development site that is for sale. He stressed that as a Planning Board they are not prepared to address these issues. Barak Greene stated that this is not the first apartment development considered. He stated that the Board has been discussing these issues each time.

James Gaffney stated that the Planning Board needs to focus on the application before them. Barak Greene explained that the plan going forward with or without a master plan will always be to maintain the town, keep it safe, keep the roads together and make sure homes are safe. James Gaffney would like to see consideration be given to the impact on taxes and tax rates as part of the master plan. Barak Greene explained that the Board cannot take into consideration the tax value of an application.

Karen Coyne introduced a condition for approval that she is contemplating (New England schema). She would like the applicant to use a modified architectural prototype design that reflects traditional rural New England commercial architecture. Corporate prototypes featuring large areas of bright colors, standardized national branding facades, franchise architectural elements or other design features inconsistent with the rural character shall not be permitted. Exterior building finishes shall utilize muted monochromatic earth tones including shades of brown gray tan and natural wood. Mr. Quinn explained that they requested that the yellow in the Dollar General logo be muted. He explained that Dollar General would like to see in the zoning ordinance where it requires them to change their national sign which is the recognition of their company. Karen Coyne pointed to the language in the ordinance that refers to the value and charm. Mr. Quinn reiterated that for Dollar General to comply with that it must be included in the ordinance.

Karen Coyne made a motion seconded by Pier D'Aprile that the applicant use a modified architectural prototype design that reflects traditional rural New England commercial architecture. Commercial prototypes featuring large areas of bright colors, standardized national branding facades, franchise architectural elements or other design features inconsistent with the rural character shall not be permitted. All exterior building finishes shall utilize muted monochromatic earth tones including shades of brown gray tan and natural wood or other colors approved by the Planning Board that complement the surrounding landscape. Motion Failed

Discussion on the motion: Ben Osgood explained that they followed the architectural by-laws to meet the regulations. Mr. Quinn stated that they spent a lot of time, money and engineering to meet the Board's requests. Mr. Quinn asked if it is the Board's intention to put a contingency on the approval that the sign must conform to the bylaws. Karen Coyne explained that the Planning Board has the authority under article XII, sign regulations and the site plan review to have a condition that the applicant shall use a modified architectural prototype design to reflect traditional rural New England commercial architecture for both the building and the sign on the building. John Leavitt asked other than the sign how does what has been presented not conform. James Gaffney stated that there is nothing New England about a neon yellow sign. Karen Coyne agreed. James Gaffney noted that he does not have any issue with the building architecture. John Leavitt stated that it is an attractive building more so than the liquor store. Karen Coyne stated that past mistakes cannot be a factor now.

Bob Holmes agrees that the building conforms, it is the sign that does not conform. Mr. Quinn stated that the McDonald arches are bright yellow. Karen Coyne reiterated that past transgressions cannot demand the future. Mr. Quinn explained that a significant time and money has been spent on this. Karen Coyne appreciates what has been done. Mr. Quinn asked for a vote tonight.

Pier D'Aprile agreed to second the motion. Barak Greene stated that this is an application that has been on the table and the Board should use the standard used in the past. Karen Coyne explained that the Board does not have to go by the standard used in the past. She clarified that the Board must use the standards in the zoning ordinance and that does include New England architecture and charm.

Bob Holmes made a motion seconded by John Leavitt to approve the site plan as presented for Comet LLC, Michael Quinn, Map 35 Lot 4-1. Motion Passed, Karen Coyne and Pier D'Aprile voted in the negative.

Karen Coyne closed the public hearing for Comet LLC, Michael Quinn Map 35 Lot 4-1.

b) Public Hearing Continued – Site Plan Review

Applicant: Tom Frutado, CATCH Neighborhood Housing
Owner: Comet LLC – Adam Quinn
Agent: Ben Osgood, Ranger Engineering Group
Address: Route 103 West, near Route 89 exit 9
Map/Lot: Map 35 Lot 4-3
District: C1 Intervale
Description: Site plan review for 34 unit workforce housing

Karen Coyne opened the public hearing for CATCH Neighborhood Housing Comet LLC Map 35 Lot 4-3

Ben Osgood stated that the plans have been updated to reflect the concerns raised by the Planning Board. He stated that he has spoken to the Town's engineer from Aries. Ben Osgood noted that he has addressed the

comments from Aries Engineering, the Planning Board and WRLAC. Karen Coyne announced that the materials Ben Osgood is distributing just recently came in. Mike Smith stated that materials submitted after the deadline is unacceptable. He stated that there is not enough time for the Board to review the material in preparation for the meeting. James Gaffney concurred, noting that there is a deadline for a good reason.

Ben Osgood explained that he has been working with George Holt at Aries Engineering to get the drainage issues ironed out. He informed the Planning Board that they added a cross walk across Route 103, added a fire lane in front of the building, and addressed the fire truck issues. Karen Coyne asked if the new plans have been sent to the fire department. Ben Osgood stated that he not sent them to the fire department. James Gaffney spoke about a concern that he has heard from the fire chief. The turning radius was calculated based on the wheel base and not on the actual dimensions of the truck. He explained that Warner is part of a 27 town mutual aid program. The city of Concord has a truck (Tower truck) that it is larger than a ladder truck. James Gaffney stated that the calculation for radius should account for the size of that truck. Ben Osgood will look into that.

Ben Osgood explained that the plan now reflects both the old and the new flood plain maps. He stated that the new flood plain is 122.7 and the parking lot is above that. He explained that there is some work in the flood plain such as the exiting grade in the back is 122. He informed the Board that it is not in the flood way, noting that it is acceptable to work in the flood plain but not in the flood way. Ben Osgood stated that the Conservation Commission's request for fencing will be honored. Ben Osgood explained that the drainage numbers are acceptable noting that the plan has the capacity. He stated that he is working with George Holt to analyze the items upstream.

Karen Coyne opened the floor to public comment.

Nancy Martin Chair of Conservation Commission read a letter sent to the applicant.
The Warner Conservation Commission (WCC) is concerned about the impact of the CATCH project on the existing RAW Conservation Easement, the Town aquifer, and the Warner River. In addition to the environmental and hydrological concerns set forth in the July 12, 2026 letter from Daniel Morrissey, WRLAC, to Karen Coyne, Warner Planning Board, the WCC has the following additional concerns: The plan presented by Ranger Engineering indicates there are areas adjacent to the easement that show fencing and sections of a concrete retaining wall. The WCC asks that the proposed four foot high chain link fence be extended along the entire border to delineate and separate the CATCH project area from the RAW conservation easement. With your approval, the WCC will provide and post medallions on the fence to identify the boundary of the conservation easement. A sign posted on the fencing will explain to residents and the public the importance of conservation easements for the protection of the wetland habitat and wildlife that live in and around the river. We also ask that you leave as many of the large trees as possible that grow along the boundary with Dunkins. Saving the large trees will provide natural cooling, screening, wildlife habitat and an attractive entry into Warner Village. I have also attached the letter from Dan Morrissey at the Warner River Local Advisory Committee with this request. Respectfully, Nancy Martin, Chair Warner Conservation Commission
Nancy Martin stated that the Conservation Commission would like the applicant to save as many of the large oak trees as they can.

Janet Garcia stated that she has the right to have an opinion and the previous response that anyone can buy them out is a stupid comment because not too many private citizens can do that. She stated that she does not understand how this building can be built with the cost to the residents of Warner. She believes that the owner of the building will make out like a bandit, getting free money to build this. She stated that the owner will receive rent and pay virtually no taxes. Janet Garcia spoke about taxes that will be collected for the students who live in Warner. She stated that it costs $30,000 to educate a student. She stated that the taxes in Warner are too high. She spoke about the added expenses to the fire, police and water department. Janet Garcia noted that the rotary will see increase in traffic. She stated that this will impact the town and no one seems to care. She would support a moratorium and the only winner here is CATCH.

Sara McNeil spoke about other CATCH properties in Concord. She advised the Planning Board that those properties are nicely maintained. Sara McNeil explained that the residents are vetted closely. She disputed the $30,000 per student for education. She stated that this is a stepping stone for most residents. She spoke about the lack of housing throughout the state.

Janet Garcia asserted that it does cost $29,000 to educate a student. She stated that the people who will live in this development are transient people. She asserted that it is subsidized housing and the residents are paying for it.

Karen Coyne closed the public comment.

Karen Coyne continued the discussion to the September 28, 2026 meeting. Barak Greene asked if it has been decided if the applicant plans to build a sidewalk on the southern side of Route 109 to connect to Dunkin Donuts. Ben Osgood confirmed. Karen Coyne hopes they will have the Aries Engineering report by then.

Ben Osgood requested a continuance until September 28, 2026.

c) Public Hearing – Changes to the Site Plan Review Regulations resulting from the updates to the Flood Plain Development Ordinance approved by the Select Board on August 25, 2026.

Karen Coyne opened the public hearing.

There were no concerns or questions from the Planning Board or public.

Barak Greene made a motion seconded by Pier D'Aprile to approve the new site plan regulations resulting from the updates to the flood plain development ordinance. Motion passed unanimously

Karen Coyne closed the public hearing.

V. New Business

a) Application submitted for Lot Line Adjustment

Applicant: Michael & Liberte Dragon Map 10 Lot 19-1 and 20

Eric Buck from Terrain Planning informed the Planning Board that he is in for Jack Belanger who is out of town. He explained that lot 19-1 has 3.8 acres and lot 20 is 1.09 which includes a fenced in in ground pool. He explained that this would transfer 1.03 acres from lot 19-1 to lot 20. Eric Buck explained that after the transfer lot 20 will become lot 19-1 with 2.1 acres and lot 19-1 will contain 2.85 acres and become lot 20.

Eric Buck informed the Board that the lot line adjustment plans have been submitted and verified by Jacques Belanger a licensed surveyor. Karen Coyne explained that the Board cannot change map and lot numbers. She stated that would be a decision by the Assessing Department. James Gaffney asked if both lots will have the required minimum buildable area. Eric Buck confirmed.

The Planning Board reviewed the application to confirm it is complete. James Gaffney confirmed that all fees have been received and abutters have been notified.

Barak Greene made a motion seconded by Pier D'Aprile to accept the application for a lot line adjustment for Michael and Liberte Dragon on Map 10 Lot 19-1 and 20 as complete with the exception of the changing of lot number as complete. Motion passed

Karen Coyne noted that a condition of approval will be that lot numbers are not changed. James Gaffney stated that the buildable area needs to be confirmed. Eric Buck explained that post lot line adjustment one lot will have 2.85 acres and the other will be 2.12 acres (total area). He stated that there are no wetlands on lot 19-1. He explained that the house will be located on lot 19-1. James Gaffney suggested that they do not have enough information to determine if there is enough buildable area. Karen Coyne stated that without the buildable area this will be continued until the September 28, 2026 meeting.

Eric Buck requested a continuance until September 28, 2026
Karen Coyne continued the public hearing for a lot line adjustment for Michael and Liberte Dragon on Map 10 Lot 19-1 and 20 until September 28, 2026.

b) Application submitted for Minor 2 lot subdivision
Applicant: Robert Leahy Map 9 Lot 13

Karen Coyne opened the public hearing for a Minor 2 lot subdivision Applicant: Robert Leahy Map 9 Lot 13 She confirmed that all fees have been received and abutters have been notified.

Eric Buck explained that the applicant is seeking to subdivide his 4.73 acre lot into two single family residential lots. He stated that the parcel is in the R2 district. Eric Buck informed the Planning Board that lot 13 will consist of 2.37 acres and the newly created lot 13-1 will consist of 2.36 acres. Karen Coyne asked for clarification on the state approved water and septic permit. Eric Buck stated that the permit is pending. Karen Coyne noted the state approved water and septic permit would be a condition of approval. James Gaffney asked about the location of a driveway. Robert Leahy explained that he has not decided if he will build a house his intention is subdivide the lot right now and aim for 3-5 years from now to build. Mr. Leahy clarified that he meant there is state subdivision approval pending, not septic or water.

James Gaffney made a motion and seconded by Pier D'Aprile to accept the application for Robert Leahy for a minor two lot subdivision Map 9 Lot 13 as substantially complete. Motion passed, John Leavitt abstained.

Karen Coyne opened the floor for public comment from abutters. No public comment from abutters was given. Karen Coyne opened the floor for general public comment. Nancy Martin inquired about the Woods Trail as depicted on the map. She asked if there is a right of way. James Gaffney stated there is nothing in the deed. Robert Leahy explained that there is not an easement or right of way.

Ed Mical stated that the agenda does not indicate that this is a public hearing, he asked if it noticed as a public hearing. Karen Coyne confirmed that it was noticed as a public hearing and it was an omission on the agenda. She stated that the next item of business is also a public hearing.

Barak Greene questioned the line on the plan that is identified as 647B and 559C. He asked if that should be better identified. Eric Buck stated that it refers to the soils.

James Gaffney made motion seconded by Pier D'Aprile to approve the Robert Leahy minor two lot subdivision Map 9 Lot 13. Motion passed

c) Application submitted for Site Plan Review
Applicant Ron King, Natural Playgrounds Shop Priorities Map 3 Lot 40

Karen Coyne opened the public hearing for Ron King Natural Playgrounds Shop Priorities Map 3 Lot 40. She confirmed proper noticing, all fees have been received and abutters were notified.

Doug Brodeur and Jasper Anderson from Meridian Land Services and Ron King and Ethan King owners of Natural Playgrounds presented a site plan review application. Doug Brodeur explained that the property is located on Warner Road on the town line with Hopkinton. Doug Brodeur stated that a surface pond and wetlands are depicted on the plans. Doug Brodeur explained that they are proposing to construct a 125x250 (18,750 sq. ft.) warehouse/manufacturing facility. Doug Brodeur pointed out the location of the driveway and parking area. He stated that is very little if any customers at the site because most sales are generated online. He explained that there are eleven employees. Doug Brodeur explained that they will be revising the plan to eliminate five parking spaces along the side.

Karen Coyne explained that the Board needs to determine if the application is complete. Barak Greene stated that he is unable to locate the magnetic north. Doug Brodeur explained that they do not generally show magnetic north on their plans since GPS is now available but they will add it if necessary. Karen Coyne stated that it could be a condition of approval. James Gaffney stated that the deed is not included. The Board agreed to accept the application and as a condition of approval the deed needs to be provided.

Barak Greene made a motion seconded by James Gaffney to accept the application for site plan review for Ron King Natural Playgrounds Shop Priorities Map 3 Lot 40 as mostly complete. Motion passed.

Karen Coyne opened the floor for public comment from abutters, no abutters offered public comment. She opened the floor to general public comment.

Ed Mical stated that the agenda does not indicate that this is a public hearing. James Gaffney acknowledged the error on the agenda and assured him that the statutory requirements for noticing were met.

James Gaffney asked about the notation for the existing well to be removed. Doug Brodeur explained that existing well will be removed and the plan does illustrate the location of the new well. Doug Brodeur explained the storm water pond that will serve as an infiltration pond. He stated that they dug six test pits to confirm the seasonal high water table as well as filtration rates.

Barak Greene made a motion to ask Aries to review the site plan for compliance. No second received.

Pier D'Aprile questioned the type of chemicals that will be on the site. Mr. King explained that they use one product to treat for UV protection. Pier D'Aprile asked about the burning of scrap materials. Mr. King assured the Board that they will not be burning scrap material. James Gaffney asked for clarification on the hours of operation and the schedule time frame of delivery trucks. Mr. King stated that hours of operation and deliveries is 9:00-5:00 Monday through Friday.

David Frye (online) asked for additional clarification on the hours of operation. He asked if there are any plans of a second and third shift. Mr. King stated that there is no production beyond the hours of 9:00-5:00.

James Gaffney suggested a vote on the regional impact and noise levels. He asked Mr. King for an estimate of noise level inside and outside at street level. Mr. King estimated the inside to be between 60 and 70 decibels and at street level to be 20 decibels. Barak Greene explained that he is curious about the noise level because the Board did receive an email regarding the HVAC on this building.

James Gaffney made a motion Barak Greene that the Planning Board determined that this is not a development of regional impact. Motion passed.

Karen Coyne recapped the conditions of approval, magnetic north, deed to be provided, septic and well approvals. Barak Greene would like the Board to request an NOI for SWIP from sites that are disturbing more than one acre. Mr. King stated that there are notes covering that on the control plan. Barak Greene asked if an environmental study or if he reached out to the state regarding historical properties. Mr. King explained that has not been done yet. Barak Greene stated that the NOI ties everything together eliminating the need for separate studies.

James Gaffney made a motion seconded by Pier D'Aprile to continue the public hearing Ron King Natural Playgrounds Shop Priorities Map 3 Lot 40 to the September 28, 2026 work session with the conditions of approval being magnetic north and the deed to be provided. Motion passed.

IV. Minutes – August 3, 2026 and August 17, 2026

August 3, 2026

James Gaffney made a motion seconded by Pier D'Aprile to approve the August 3, 2026 Planning Board meeting minutes as amended. Motion passed, Mike Smith Abstained.

August 17, 2026

Barak Greene made a motion seconded by Bob Holmes to approve the August 17, 2026 Planning Board meeting minutes as amended. Motion passed, Mike Smith Abstained

VI. Communications

Barak Greene made a motion to write a letter to the Select Board outlining that the Planning Board would like them to find a solution for the website issues. Motion withdrawn

Barak Greene suggested an exploratory committee to identify specifically what the website issues are and how to rectify the issues. Karen Coyne suggested discussing it during a meeting. Peg Bastien will mention it during her monthly meeting with the Select Board.

X. Adjourn

The meeting adjourned at 9:55 PM

Respectfully Submitted by Tracy Doherty

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 Work Session Minutes

September 28, 2026 7:00 PM
Lower Meeting Room Warner Town Hall 5 E Main St

OPEN MEETING: Chair Karen Coyne called the meeting to order at 7:01 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		

III. PUBLIC COMMENT

Ed Mical reminded the Planning Board that the tomorrow night there is a meeting in Concord regarding the new flood plain maps. FEMA and State representatives will be present. The meeting is 4:00-7:00PM at the Concord City Council Chambers. Ed Mical requested the CIP be posted on the website. Peg Barstien will post the document.

George Saunders of Kearsarge Mountain Road asked if the CATCH housing development would be part of the precinct. Barak Greene confirmed. George Saunders stated that as part of tax pilot payment that money will to the general fund. He questioned how the district payment would be directed. Barak Greene noted that there is a separate tax just for being in the precinct in addition to their usage fees. James Gaffney referred George Saunders to Mr. Ray Martin at the Warner Village Water District. Barak Greene explained that the issue will be raised with CATCH at their next meeting. George Saunders stated that this development is going to cost the town a lot more than what will be received in taxes. Pier D'Aprile explained that the way CATCH pays property taxes is a percentage of the revenue.

IV. UNFINISHED BUSINESS

a. Public Hearing Continued – Lot Line Adjustment

Applicant: Michael & Liberte Dragon
Owner: Same as above
Agent: JE Belanger Land Surveying PLLC
Address: Waldron Hill Road and Flanders Road
Map/Lot: Map 10 Lot 19-1 and 20
District: R2
Description: A request to adjust the lot line between lots 19-1 and 20 by transferring 1.03 acres from 19-1 to lot 20 increasing lot 20 acreage to a total of 2.12 acres.

Barak Greene opened the public hearing and public comment.

Erick Buck explained that for lot 19-1 the proposed total acreage is 2.85 with a buildable area is 2.41 and lot 20 will be 2.12 acres with a buildable area of 2.06. He assured the Planning Board that they are no longer requesting to change the lot numbers. John Leavitt questioned if the stone wall is the boundary line. Eric Buck explained that the meets and bounds are represented on the line and the edge of the wetlands are delineated. Pier D'Aprile noted that the map legend reflecting lot line looks very similar to the lines delineating the wetlands. John Leavitt concurred. Eric Buck reiterated that the line that has the metrics and the bounds represents the property line. John Leavitt questioned the size of the existing buried propane tanks. Erick Buck stated he does not know. John Leavitt inquired if that is something the Board should address. Barak Greene noted that the tanks are pre-existing and there are no setback issues. Barak Greene stated that would be a building code issue.

Bob Holmes made a motion seconded by Mike Smith to approve the lot line adjustment for Michael & Liberte Dragon. Motion passed.

Barak Greene closed the public comment and he closed the public hearing.

b. Public Hearing Continued – Site Plan Review

Applicant: Natural Playground Shop Properties
Owner: Ron King
Agent: Doug Brodeur, Meridian Land Services, Inc.
Address: Warner Road
Map/Lot: Map 3 Lot 40
District: C1
Description: Construction of commercial warehouse

Barak Greene opened the public hearing.

Doug Brodeur from Meridian Land Services representing Natural Playgrounds along with Jasper Anderson addressed the Planning Board. Doug Brodeur stated that the magnetic North has been added to the plan and the deed has been provided. He noted that a revision to parking area has also been made. Doug Brodeur stated that he received an email from the Fire Chief regarding the cistern and the fire protection system. He informed the Board that the cistern will be internal to the building. He stated that the fire truck turning radius did account for the truck size that the Fire Chief requested. Pier D'Aprile spoke about an email the Board received that contained significant specificity regarding the HVAC system. Pier D'Aprile asked if there was anything in particular that the applicant wanted to point out with that. Doug Brodeur was not aware of the email because the applicant sent it. Barak Greene stated that the Conservation Commission wrote a letter regarding the chemicals used in the facility. Doug Brodeur explained that the chemical is a product that called UV Plus and it is a typical oil base waterproofing product. He submitted information on the product. Barak Greene asked about the disposal of this product. Doug Brodeur explained that is not legal and proper disposal techniques will take place. He stressed that there is very low risk of contamination. Bob Holmes asked about the landscaping. Doug Brodeur indicated that they do have a landscaping plan that has been provided. He stressed that they will retain as much of the existing trees as they can.

Barak Greene opened the floor for public comment.

John Leavitt spoke about the HVAC information and the diagram of the building. He asked if the diagram reflects the building that will be built. Doug Brodeur confirmed. John Leavitt stated that it reflects the wrong address. Doug Brodeur stated that he did not receive the email, he believes the owner/applicant sent the information. John Leavitt explained that it caused him some confusion. Micah Thompson noted that it is an

estimate from a HVAC company, not the actual application. Barak Greene explained that he will leave it up in the air and the board can discuss it once there is a motion on the table.

Ed Mical stated that no one knows what the building actually will look like. Barak Greene stated that the design of the building is on the website. Ed Mical stated that the building color and exterior specs are not included. He stressed that the concern is about the character of Warner and that information is not included in the application. Doug Brodeur stated that he does have a three dimensional rendering of the building that he will put up for display. He stated that it does include some proposed landscaping. Ed Mical asked what color the building will be. Doug Brodeur stated the building will be green. James Gaffney pointed out that in this district the Planning Board cannot dictate the color of the building. Ed Mical stated that as part of the site plan regulation the character of Warner is to be considered. Barak Greene explained this is a commercial district where existing commercial buildings share similar design aspects. He stated that this fits in to the rural commercial district near Exit 7. James Gaffney stated that what the applicant has provided does comply with the regulations. Barak Greene noted that the true elevation is not included. James Gaffney reviewed SP2 that does show the elevation of the terrain. He stated that the Board did receive a rendering of a one story building that references building height of 19 feet 4 3/8 inches. James Gaffney stated that is well within the town's maximum height requirement.

Barak Greene stated that he would entertain a motion if the Board would like to waive the requirement of: *item "g. a colored elevation view or photograph of all buildings indicating height, width and surface treatment."* John Leavitt clarified that the document that James Gaffney referenced was received today and it reflects the wrong property address. Barak Greene explained that it the responsibility of the Planning Board to exhibit fair and consistent behavior with all applicants. James Gaffney noted that it can be addressed as a condition of approval. Barak Greene agreed. No further comment.

James Gaffney made a motion seconded by Pier D'Aprile to approve with the condition that the correct property address is reflected on documents provided and to waive the application requirement of "a colored elevation view or photograph of all buildings indicating height, width and surface treatment".

Discussion on the motion: John Leavitt explained that he only received this document today and he had trouble discerning what it was for because it reflected the wrong property address. He stated that he has not had a chance to review it as it pertains to this plan he cannot vote in favor. James Gaffney stated that the Board did previously have the dimensions with the exception of the height. Bob Holmes agreed with John Leavitt that it would have been nice to have seen the rendering previously. Mike Smith reiterated that the Planning Board cannot dictate the color. James Gaffney stressed that this is a real simple application. Mike Smith concurred. Pier D'Aprile stated that he is looking at a document that was submitted and it does reflect elevation, width and length and everything else is accounted for. He agreed that the height is not depicted. He noted that the height was provided today. Pier D'Aprile reiterated that at this point all the information has been provided.

Roll Call Vote: Gaffney YES D'Aprile YES Greene YES Smith YES Leavitt NO and Holmes NO The motion passes 5-2

Barak Greene closed the public hearing.

c. Public Hearing – Site Plan Review Regulations. Board members to sign authorization page. Postponed

The order of business was adjusted, moving up the review of draft minutes.

VI. MINUTES – September 14, 2026

The Board agreed to review the zoom recording for clarity on what was actually said in several areas.

V. NEW BUSINESS

a. Fraudulent emails sent to both the Planning Board and the Zoning Board applicants asking for a wire transfer.

Bob Holmes informed the Board that land use applicants throughout the State have received fraudulent emails. James Gaffney stated that it is a phishing email and the Board cannot control it. Peg Bastien explained that recently two applicants were contacted by email requesting a wire transfer in the amount of $3,900. She noted that an invoice was attached. Peg Bastien stated that the email looked as though it came from her in the Land Use office. She informed the Board that the return email was clearly a phishing email, it instructed that the applicant only respond by email. She noted that the return email address was incorrect using .com instead of .gov. Peg Bastien stated that steps are needed to alert the public. James Gaffney stated that the only thing the Board can do is to post something to warn applicants that they will only receive emails from the Chair, Vice Chair and Land Use Administrator with their respective email addresses. Barak Greene suggested adding language to the site plan regulations checklist. Pier D'Aprile suggested posting something that informs the public that the Town will never request electronic payment of any sort. Barak Greene inquired if the Select Board could get an idea of what types of payment the Town does and does not accept and then advise the various town boards with a recommendation for payment. Mike Smith concurred. James Gaffney stated that it would be in the Planning Board's best interest to state on the application what is and what is not an acceptable form of payment. Barak Greene suggested pursuing both avenues. He asked James Gaffney to put something together for a future agenda and also receive the Select Board's recommendation. Micah Thompson stated that it would be a good idea to clearly post that the Town will never email a request for electronic payment. James Gaffney agreed.

VII. PUBLIC COMMENT

None

VIII. COMMUNICATIONS

None

IX. ADJOURN

Mike Smith made a motion seconded by Bob Holmes to adjourn the Planning Board meeting. Motion passed

The meeting adjourned at 8:15 PM.

10/5/26 Bob Holmes proposed edits

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DRAFT Planning Board Work Session Minutes

September 28, 2026 7:00 PM
Lower Meeting Room Warner Town Hall 5 E Main St

OPEN MEETING: ~~Chair Karen Coyne~~ Vice Chair Barak Greene 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		

III. PUBLIC COMMENT

Ed Mical reminded the Planning Board that the tomorrow night there is a meeting in Concord regarding the new flood plain maps. FEMA and State representatives will be present. The meeting is 4:00-7:00PM at the Concord City Council Chambers. Ed Mical requested the CIP be posted on the website. Peg Barstien will post the document.

George Saunders of Kearsarge Mountain Road asked if the CATCH housing development would be part of the precinct. Barak Greene confirmed. George Saunders ~~stated that as part of tax pilot payment that money will to the general fund.~~ He questioned how the district payment would be directed. Barak Greene noted that there is a separate tax just for being in the precinct in addition to their usage fees. James Gaffney referred George Saunders to Mr. Ray Martin at the Warner Village Water District. Barak Greene explained that the issue will be raised with CATCH at their next meeting. George Saunders stated that this development is going to cost the town a lot more than what will be received in taxes. Pier D'Aprile explained that the way CATCH pays property taxes is a percentage of the revenue.

IV. UNFINISHED BUSINESS

a. Public Hearing Continued – Lot Line Adjustment

Applicant: Michael & Liberte Dragon
Owner: Same as above
Agent: JE Belanger Land Surveying PLLC
Address: Waldron Hill Road and Flanders Road
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District: R2
Description: A request to adjust the lot line between lots 19-1 and 20 by transferring 1.03 acres from 19-1 to lot 20 increasing lot 20 acreage to a total of 2.12 acres.

Barak Greene opened the public hearing and public comment.

Erick Buck explained that for lot 19-1 the proposed total acreage is 2.85 with a buildable area is 2.41 and lot 20 will be 2.12 acres with a buildable area of 2.06. He assured the Planning Board that they are no longer requesting to change the lot numbers. John Leavitt questioned if the stone wall is the boundary line. Eric Buck explained that the ~~meets~~ and bounds are represented on the line and the edge of the wetlands are delineated. Pier D'Aprile noted that the map legend reflecting lot line looks very similar to the lines delineating the wetlands. John Leavitt concurred. Eric Buck reiterated that the line that has the ~~metrics~~ and the bounds represents the property line. John Leavitt questioned the size of the existing buried propane tanks. Erick Buck stated he does not know. John Leavitt inquired if that is something the Board should address. Barak Greene noted that the tanks are pre-existing and there are no setback issues. Barak Greene stated ~~that~~ would be a building code issue.

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Barak Greene closed the public comment and he closed the public hearing.

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Owner: Ron King
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Roll Call Vote: Gaffney YES D'Aprile YES Greene YES Smith YES Leavitt NO and Holmes NO The motion passes 5-2

Barak Greene closed the public hearing.

c. Public Hearing – Site Plan Review Regulations. Board members to sign authorization page. Postponed

The order of business was adjusted, moving up the review of draft minutes.

VI. MINUTES – September 14, 2026

The Board agreed to review the zoom recording for clarity on what was actually said in several areas.

V. NEW BUSINESS

a. Fraudulent emails sent to both the Planning Board and the Zoning Board applicants asking for a wire transfer.

Bob Holmes informed the Board that land use applicants throughout the State have received fraudulent emails. James Gaffney stated that it is a phishing email and the Board cannot control it. Peg Bastien explained that recently two applicants were contacted by email requesting a wire transfer in the amount of $3,900. She noted that an invoice was attached. Peg Bastien stated that the email looked as though it came from her in the Land Use office. She informed the Board that the return email was clearly a phishing email, it instructed that the applicant only respond by email. She noted that the return email address was incorrect using .com instead of .gov. Peg Bastien stated that steps are needed to alert the public. James Gaffney stated that the only thing the Board can do is to post something to warn applicants that they will only receive emails from the Chair, Vice Chair and Land Use Administrator with their respective email addresses. Barak Greene suggested adding language to the site plan regulations checklist. Pier D'Aprile suggested posting something that informs the public that the Town will never request electronic payment of any sort. Barak Greene inquired if the Select Board could get an idea of what types of payment the Town does and does not accept and then advise the various town boards with a recommendation for payment. Mike Smith concurred. James Gaffney stated that it would be in the Planning Board's best interest to state on the application what is and what is not an acceptable form of payment. Barak Greene suggested pursuing both avenues. He asked James Gaffney to put something together for a future agenda and also receive the Select Board's recommendation. Micah Thompson stated that it would be a good idea to clearly post that the Town will never email a request for electronic payment. James Gaffney agreed.

VII. PUBLIC COMMENT

None

VIII. COMMUNICATIONS

None

IX. ADJOURN

Mike Smith made a motion seconded by Bob Holmes to adjourn the Planning Board meeting. Motion passed

The meeting adjourned at 8:15 PM.

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DRAFT Planning Board Meeting Minutes

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

OPEN MEETING: Chair Karen Coyne called the meeting to order at 7:02 PM.
The Pledge of Allegiance was recited.

II. ROLL CALL

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

III. PUBLIC COMMENT

Ed Mical stated that he has the new flood insurance study and maps. He will distribute to the Land Use and Assessing Departments. He noted that all the towns in Merrimack County are included in the study. He stated that electronic copies are available for download. He requested the CIP be posted on the Town's website.

IV. UNFINISHED BUSINESS

a. **Public Hearing Continued** – Site Plan Review CATCH Neighborhood Housing
Tabled until October 19, 2026

b. **Public Hearing Continued** – Site Plan Review Regulations. Board member to sign authorization page.

Karen Coyne opened the public hearing. The site plan review regulations was distributed around the meeting table for the Planning Board members to sign.

James Gaffney stated that he would this board to have a discussion regarding ensuring that all Planning Board documents include headers, footer, date, page numbers and document versions. Barak Greene stated that would be consistent with what is currently online. Peg Barstien noted that currently document reversion numbers are not included. James Gaffney would like that to start, Barak Greene concurred.

John Leavitt stated that he is not signing the document because he does not know what changes were made. Karen Coyne explained that previously the proposed changes were distributed to the Board. Barak Greene explained that the changes pertain to the changes made to the flood zone incorporating language to match what the state recommended. John Leavitt explained that he understands the intent but he does not know what the specific changes are. James Gaffney stated that the Board is signing the final document, Barak

Greene noted that the Board previously approved the changes. Bob Holmes agreed with John Leavitt that it would have been helpful for the Board to have both documents, Peg Barstien reiterated that was done by email. Bob Holmes acknowledged that the document was previously sent to the Board, however it would have been nice to have both documents for tonight's discussion. John Leavitt agreed, noting that would give the Board the ability to confirm that the changes were made. Bob Holmes stated that he is comfortable that the changes have been made.

Karen Coyne reminded the Board that they held a previous hearing and the edited copy was reviewed and the Board voted as a Board that the changes were made. John Leavitt explained that he intended to mention it at the last meeting but the item was tabled. Bob Holmes trusts that the changes have been made. John Leavitt explained that even though this is a final document he believes the changes should be in italic. Barak Greene stated that is done in the proposed document. Karen Coyne explained that the Board did receive an email with both copies and the Board at any point in time had the opportunity to compare the documents.

Karen Coyne closed the public hearing for the Site Plan Review Regulation Floodplain changes.

V. MINUTES – September 14, 2026 and September 28, 2026

Bob Holmes made a motion seconded by James Gaffney to table the Planning Board meeting minutes. Motion passed

Karen Coyne cautioned the Board that when they propose edits to meeting minutes the changes cannot be to reflect what was intended, it must be what is actually said.

VI. NEW BUSINESS

None

VII. COMMUNICATIONS

None

VIII. REPORTS

Chair's Report- Karen Coyne None

Select Board – Michael Smith None

Regional Planning Commission – Barbara Marty

Karen Coyne explained that Barb Marty informed her that there will be a CNHRPC meeting on October 8th to discuss the Stream Crossing Capacity Pilot Project Program (SCCPPP). She stated that Barb Marty asked if the Board has any questions that they would like her to present. Barak Greene looked up the SCCPPP and advised the Board that it is defined as a multi-benefit stated and federal initiative with the New Hampshire Department of Environmental Services Coastal Program. Karen Coyne explained that Polly Perkins from the NHDES Watershed Management will provide an overview of the SCCPPP that is funded by the National Fish and Wildlife Foundation. James Gaffney would like to know if the funding comes from tax payers or private donations.

Economic Development Advisory Committee – Micah Thompson, no report

Agricultural Commission - James Gaffney, no report

Regional Transportation Advisory Committee – Tim Blagden, no report

HOP II Update – Robert Holmes

Bob Holmes stated that the HOP II committee held a meeting on September 30th. He stated that the turnout was less than what they hoped for, 12 – 15 attendees; a lot of representatives, he estimated it was 1/3 from the state, 1/3 from housing and 1/3 from the general public. Bob Holmes stated that it was interesting to hear from the public. He stated that one individual was very outspoken against affordable housing. James Gaffney explained that this discussion about affordable housing has been had before and the major drivers

are all federal in nature and Warner does not have the toolbox to address it such as inflation and interest rates. Bob Holmes stated that he had a list of 19 major drivers are considered to be local zoning. Barak Greene explained that if there is a demand for housing in the range $250,000, there would be more $250,000 homes. He stressed that there has to be the demand. James Gaffney explained that the demand is there but the supply is not. Pier D'Aprile stated that homes cannot be built for $250,000, Barak Greene stated it can be done. James Gaffney and Pier D'Aprile disagreed. Bob Holmes suggested tabling this discussion. He explained that the 19 major drivers that he previously mentioned came from the attendees at the September 30th meeting. James Gaffney stressed that interest rates are one of largest costs of the affordability spectrum second only to inflation.

Barak Greene explained that the economy will be affected by the labor market in the next 10 years because 20% of the work force is 55-65 years old and the majority is blue collar jobs. James Gaffney stated that automation is one of the biggest sectors of the economy.

Karen Coyne distributed information on the CATCH project from Holly Riley. Bob Holmes does not believe this should be addressed without CATCH present. Karen Coyne explained that CATCH chose not to attend and Holly Riley is present (via Zoom). Barak Greene asked if a private right of way is out of the Board's jurisdiction. James Gaffney stated that it would be a consideration and he recommended that Holly Riley confirm that the right of way is recorded at the registry of deed.

IX. PUBLIC COMMENT

None

X. ADJOURN

The meeting adjourned at 7:37 PM.

Respectfully submitted by Tracy Doherty

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DRAFT Planning Board Work Session Minutes

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

OPEN MEETING: Chair Karen Coyne called the meeting to order at 7:04 PM. The Pledge of Allegiance was recited.

II. ROLL CALL

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

III. PUBLIC COMMENT

None

IV. UNFINISHED BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VI. NEW BUSINESS

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

VII. COMMUNICATIONS

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

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

VIII. PUBLIC COMMENT

None

IX. ADJOURN

The meeting adjourned at 9:39 PM.

Respectfully submitted by Tracy Doherty