



## TOWN OF WARNER

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### Planning Board Meeting Minutes

July 7, 2025 7:00 PM

Lower Meeting Room Warner Town Hall 5 E Main St

#### I. OPEN MEETING / PLEDGE OF ALLEGIANCE:

Chair Karen Coyne called the meeting to order at 7:00 PM. The Pledge of Allegiance was recited.

#### II. ROLL CALL

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

#### III. PUBLIC COMMENT

Karen Coyne announced that Peacock Hill Road LLC has requested a continuance until September 8, 2025 or August 4, 2025. She stated the correct date will be confirmed and posted online.

#### IV. NEW BUSINESS

##### A. Conceptual Consultation

**Applicant:** Evans Group Inc.

**Address:** PO Box 246 Lebanon NH 03766

**Map/Lot:** 35-005

**District:** C-1

**Description:** Update and enhance building exterior, including a change and consolidation of signage.

Derek Evans, one of the owners of Evans Express Mart, addressed the Planning Board. He explained that they are interested in upgrading the exterior of the building to include changes to the signage and the exterior of the building. James Gaffney spoke about backlit signs and stated that the original variance has not been located. He explained that to his understanding there was a variance granted by the ZBA. Bob Holmes explained the history of a large highway sign. James Gaffney clarified that he is referring only to the backlit signs on the building. Karen Coyne stated that the applicant is reducing the number of signs, from 8 to 4 illuminated signs. She spoke about a change in color to the exterior of the building.

Derek Evans explained that they are looking to do a refresh of the exterior rather than a full remodel. The Planning Board asked questions regarding the exterior materials. Pier D'Aprile asked about the awning over the gas pumps. Derek Evans stated that the gas pump area is not changing. Pier D'Aprile stated that with the reduction of signs the property signs will be less non-conforming because there will be fewer of them. Karen Coyne asked when the sign ordinance was amended. Barak Greene stated the ordinance reflects the year

2016 and the Planning Board should treat this as if it was grandfathered in. James Gaffney agreed, he further explained that there have been two amendments to the sign ordinance. Ian Rogers asked when the current signs were installed. Derek Evens stated that the signs were installed prior to 2010.

Barak Greene spoke about the proposed enhancement of lighting at the two main entrances, questioning if there are any concerns. Derek Evans advised the Planning Board that the current lighting projects light out and the proposed lighting will project light down. Barak Greene suggested the applicant include a statement on the actual application that there will be no change in light leaving the property. Karen Coyne agreed. Karen Coyne explained to Derek Evans that the Planning Board is recommending that he meet with Chrissy Almanzar, Land Use Secretary, for a determination of site plan review. She stated that unless something drastically changes, the Planning Board findings would be that a site plan review is not required.

Barak Greene suggested the Planning Board change the language “determination of site plan review” to “site plan amendment”. Karen Coyne stated that the Planning Board would need to hold two public hearings to make that change. Barak Greene stated that his intention is to make the process clear to applicants. Ian Rogers stated that he supports the idea. The Planning Board agreed to discuss the change at the next work session.

## **V. UNFINISHED BUSINESS**

### **A. Peacock Hill Road LLC Correspondence – AoT, Legal, Letter**

Karen Coyne announced that the applicant has requested a continuance until September 8<sup>th</sup>. Karen Coyne explained that the Planning Board received the alteration of terrain (AoT) response from Kevin Thatcher. Karen Coyne stated that NHMA and the Town’s legal counsel provided similar opinions regarding the buildable area between the two lots. She explained that both opinions maintain that in accordance with Article II.C.2., the zoning requirements of each district shall remain. Karen Coyne stated that the applicant may apply for a variance for “buildable area” from the ZBA.

Ian Rogers appreciates the interpretation of the zoning ordinance and thinks this is a good example of where the zoning ordinance could be clarified to eliminate the need for a legal opinion. Karen Coyne agreed stating that they should be able to interpret their own ordinances. Barak Greene explained that the Planning Board heard from an accomplished engineer who stated that the Planning Board was wrong in their interpretation of the zoning ordinance and the legal opinion was sought to validate the Planning Board’s interpretation.

## **VI. MINUTES: June 16, 2025**

**Harry Seidel made a motion seconded by Ian Rogers to approve the June 16, 2025 Planning Board meeting minutes as amended and the recording is reviewed. Motion Passed Unanimously.**

## **VII. COMMUNICATIONS**

Pier D’Aprile asked the Planning Board to discuss the HOP II that was approved at the June 24, 2025 Select Board meeting. He recapped the five steps in the scope of work: 1) Conduct a housing needs assessment for the Town of Warner, 2) Conduct an audit of Warner’s zoning ordinance, 3) Conduct an audit of Warner’s site plan review regulations and subdivision regulations, 4) conduct community engagement, 5) Create and/or revise regulations in zoning. James Gaffney stated that the last task should read “propose” because it would have to be voted on by the town. Ian Rogers explained that the Select Board addressed that concern requiring the committee to submit their recommendations to the Select Board and Planning Board. Bob Holmes concurred noting that the task was revised at the Select Board meeting. Pier D’Aprile explained that he is attempting to make the scope crystal clear to avoid the confusion that occurred with the HOP I. Ian Rogers agrees with the importance of maintaining clarity. Barak Greene stated that this grant was applied for without consultation with the Planning Board. He stressed the importance of being very clear in communications with the Planning Board, Zoning Board and Select Board. Karen Coyne explained that the

Planning Board has nothing to do with the HOP II Grant Committee. She stated that Bob Holmes and Ian Rogers have been appointed to the committee and the Planning Board cannot have any more members there. She stated that the committee will work without any Planning Board input. John Leavitt stated that the Planning Board members are permitted to attend the HOP II meetings, but they cannot participate. John Leavitt stated that he watched the recording of the June 24, 2025 Select Board meeting and the number of members was never stated. John Leavitt asked how many members are on the HOP II committee. He stated that since the number of members was not specified the Select Board could in the future appoint additional members. He stated that it should not be that way. Ian Rogers agrees with Barak Greene that improved communication relating to this project will solve many problems. Ian Rogers stated that the minutes from the August 16<sup>th</sup> Planning Board meeting reflect that the Board voted to approve it and there was no indication that the Board wanted to see the grant application, the scope of work, or to be involved. Karen Coyne and Barak Greene disagreed, asserting that at that meeting, the Board discussed who the grant was going to. Barak Greene insisted that the video reflects that discussion and it should have been captured in the minutes. Ian Rogers stated that it was not included as a stipulation of the vote. Ian Rogers stressed that it should have been part of the motion. Barak Greene stated that the only person who reviewed the application was Kathy Frenette. Ian Rogers disagreed, stating that the Select Board approved it. He stressed that there was never indication from anyone that proper procedure was not followed. Karen Coyne stated that it was done behind closed doors. Ian Rogers stated that it was done at a properly noticed meeting. James Gaffney asked for the date of the Select Board meeting. James Gaffney stated that at any point in time the HOP I committee could have informed the Planning Board of the application status but that was not done. Ian Rogers stressed that the Planning Board never made any indication of their interest in the process or expressing specific concerns. Barak Greene stated that going forward the same mistakes cannot be repeated.

**Pier D'Aprile made a motion seconded by James Gaffney to defer further discussion on the housing chapter until HOP II is finished and the Planning Board has had a chance to review the recommendations from HOP II committee.**

*Discussion on the motion:* Ian Rogers asked for clarification on the reason for the motion. Pier D'Aprile explained that because of the scope of work, [1) Conduct a housing needs assessment for the Town of Warner, 2) Conduct an audit of Warner's zoning ordinance, 3) Conduct an audit of Warner's site plan review regulations and subdivision regulations, 4) Conduct community engagement, 5) Create and/or revise regulations in zoning.] it would be a waste of time to make updates to the housing chapter and then receive the HOP II recommendations that could easily necessitate new edits to the housing chapter. Barak Greene stated that the housing chapter is a visionary document it is not a "how to" document. He stated that the "how to" is the HOP II project. Barak Greene explained that the HOP I grant was to determine what the town wants in a housing chapter.

Harry Seidel stated that the point of HOP II is to look at the existing ordinance, and then an effort can be made to determine what changes could be made. He stated that at that point it would come back to the Planning Board for review. Karen Coyne explained that that was the assumption originally.

Pier D'Aprile explained that HOP II is not needed to review ordinances. He reiterated his position that HOP II will delay the housing chapter. He stated that the scope of work is redundant. Ian Rogers clarified that the HOP II scope of work was not created by anyone in town. He explained that the five tasks come from the NH Housing website. Ian Rogers explained that there are certain things that HOP grant money can be used for such as housing chapter and the five tasks. He explained that this is meant to be a linear type of process where the visioning comes first. He stated that the HOP Grant conversation comes from the vision.

James Gaffney explained his concern is that they went around and around on HOP I and the charter called for a specific product. He stated that the charter called for the group to provide a list of recommendations so the

Planning Board could rewrite a new draft of the housing chapter. James Gaffney stated that the Planning Board asked Central NH Regional Planning Commission (CNHRPC) to provide an updated copy of the Master Plan housing chapter. He stated that one of the members of the HOP I committee called CNHRPC, violating the rules of procedure of the Planning Board, and told them to cease and desist the rewrite. James Gaffney stressed that the Planning Board voted to ask CNHRPC to provide a rewrite. He explained that one of the co-facilitators, despite being reminded and urged by the other co-facilitator to steer back to the task of providing recommendations, ignored that and provided a draft of a master plan. James Gaffney explained that that is why this Board has been struggling with trying to stuff a square peg into a round hole. James Gaffney stated that the copy of the HOP II grant application that he reviewed said that the Town shall contract with CNHRPC to perform a list of tasks much like what is included in the scope of work.

Barak Greene explained that he has been adamant from the beginning that he appreciates the idea of using this for training. He explained that earlier in the meeting he made a suggestion of changing the site plan review form and he feels something like that would be perfect for the scope of work to focus on. He further noted that he has been researching performance guarantees. Barak Greene stated that the Planning Board does not have a mechanism in place to require and enforce performance guarantees. He feels that this is an opportunity to have the State pay for someone to give us the language that is needed to efficiently control the construction in Town. Barak Greene stressed that more construction is coming to Town and he feels that performance guarantees are another tool for the Board.

Ian Rogers appreciates Barak's suggestion. Ian Rogers disputed Mr. Gaffney's comment about a call to CNHRPC, advising the Board that that call did not happen. He stated that the Housing Advisory Committee (HAC) voted several times to look at the housing chapter language. He explained that the HAC wanted to work with CNHRPC to produce the finished product of the recommendation that was required by the charter.

Karen Coyne called the question, Barak Greene offered an amendment to the motion. He stated that if the motion fails the Planning Board should take a final vote and start planning on approving the housing chapter in the next two months ensuring the housing chapter review is completed before the HOP II grant starts. Pier D'Aprile did not accept the amendment.

**Roll Call Vote: Rogers NO, Leavitt YES, D'Aprile YES, Gaffney YES, Greene NO, Seidel NO and Coyne YES Motion Passed 4-3**

The Planning Board received a list of 16 factors submitted by Bob Holmes relating to the housing shortage. Point of order was made by Barak Greene that the Planning Board voted to defer discussion on the housing chapter.

## **VIII. REPORTS**

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

None

### **Select Board - Harry Seidel**

The Select Board is working on the CIP.

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

The Chair read an email from Barb Marty: June 12<sup>th</sup> the RPC had its quarterly meeting and discussed the rewrites of the 10 year Regional Plan Sections including housing, economic development, transportation, natural resources and energy. A questionnaire will be mailed to the town for every department, board and commission to submit input. The Chair would like the Board to discuss their response at an upcoming work session.

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

None

### **Agricultural Commission - James Gaffney**

None

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

None

#### **IX. PUBLIC COMMENT**

John Leavitt stated that in his opinion, when a Planning Board member disagrees with the position of another member, it is often perceived as an attack. He stressed that it is a disagreement, not an attack. He stated that too many people are taking things too personal.

Micah Thompson noted that the HOP grant issue is not just a heated topic for the Planning Board, it is a heated topic for a lot of people.

Barak Greene stated that the whole discussion on housing is still affected by issues from two years ago. He hopes that everyone can set aside the old grudges and look forward. He appreciates the skill sets of this team and hopes that those skills will be used to build a better town. He encouraged people to discuss their differences.

#### **X. ADJOURN**

The meeting adjourned at 8:23 PM.

Respectfully submitted by Tracy Doherty