



TOWN OF WARNER

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Planning Board Meeting Minutes

October 20, 2025 7:00 PM

Lower Meeting Room Warner Town Hall 5 E Main St

I. OPEN MEETING: Chair Karen Coyne called the meeting to order at 7:02 PM.

II. ROLL CALL

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

III. PUBLIC COMMENT

None

IV. NEW BUSINESS

A. Tax Deeded Property Disposition

Bob Holmes began speaking about practices of other states regarding tax-deeded properties.

Video stopped. Video resumed after few minutes

James Gaffney asked how this pertains to the Planning Board as new business. Bob Holmes explained that the Planning Board recommended that the town dispose of almost all the town owned property, but the Conservation Commission recommended keeping the properties. Bob Holmes believes there should be a conversation between the Planning Board and the Conservation Commission. James Gaffney stated that would be a decision made by the Select Board. Karen Coyne noted that the Select Board has an agenda item for the next meeting to discuss a method of notifying abutters of the sale of town owned property. Barak Greene believes that it is the responsibility of the Select Board to return taxable property to the tax rolls as fast as possible. He explained that the only decision is to determine how to sell it. Barak Greene stated that the Planning Board and the Conservation Commission do not have a say. He stated that for some reason in Warner the Select Board receives recommendations but unless there is a recommended dollar amount it is a moot point. James Gaffney clarified that that is the process the Select Board has in place; it was not a vote by the Town. He stated that a petition warrant article could be submitted to force the Select Board to sell the Town owned properties or to force them to come up with a process that requires them to sell the properties. James Gaffney stated that Mike Smith teed this up for someone to take to Town Meeting.

Ian Rogers via Zoom informed the Planning Board the video cut out while Bob Holmes was speaking, and anyone online missed 70% of Bob Holmes' comments. Ian Rogers stated that he would like to hear from Mike Smith regarding his work on this topic. Mike Smith explained that he has given a list of town-owned properties to the Town committees for their review and comments. He explained that he has walked some but not all of the properties. He stated that he spoke to the auctioneers who would like to auction the properties as a lump or a couple of groups. Mike Smith stated that he will continue walking the properties

and going through the process. He does not want to make a mistake by selling something that the Town should have retained. Karen Coyne reiterated that this is on the Select Board agenda for the meeting tomorrow night. Micah Thompson questioned if the town is allowed to keep them. James Gaffney stated that there could be a previous owner who still has claim to the property pursuant to state law. He stated that the Select Board and previous Select Boards have been negligent on this and Mike Smith is the first person to try to address it. Mike Smith explained that residents have contacted him about this. He explained that the Town is selling the properties for the taxes owed and to return them to the tax rolls. Ian Rogers asked about the properties that the Conservation Commission recommended not selling. Mike Smith explained that it is a Select Board decision, and he will provide all recommendations to the Select Board.

Barak Greene asked if there is a budget for the town to sell the properties and if the budget is not sufficient, why is the town bothering with walking all of the properties. Mike Smith explained that even though the parcels are not big, it is important to walk the properties to see what is around them. James Gaffney asked about the previous owners' equity in the properties. He thinks it would be helpful to determine the dollar value of the town's liability to the previous owners. Barak Greene stated that it would be expensive and the town would need to determine the value of all the properties. James Gaffney stated that a ballpark estimate would be adequate. James Gaffney stated that if there is a piece of property that the Conservation Commission wants to keep there should be an understanding that they will be required to pay for it. Mike Smith stated that the Conservation Commission can bid on it at auction. Mike Smith explained that some of the parcels were donated to the Town, he stressed that it is important to determine how the Town acquired the property. John Leavitt stated that the Conservation Commission needs to understand that by keeping the property there is a liability to the town. Mike Smith reiterated that this is not a Planning Board issue. Karen Coyne agreed. Ian Rogers appreciates the update and asked what the process is after all the properties have been walked. Karen Coyne reiterated that it would be a question to be asked of the Select Board.

V. UNFINISHED BUSINESS

A. Review CIP

Karen Coyne recapped the CIP requests.

Town Hall: \$30,000 for windows at town hall and the Warner Community Center

Assessing: \$52,000 for the reval

Town Clerk: Nothing

Police Department: vehicle replacement in 2028 and 2030

DPW: bridge repair/replacement \$125,000 and \$200,000 for the highway department.

Transfer Station: service life extension for \$25,000 and a pole barn \$50,000, equipment \$35,000.

Fire Department: equipment \$50,000, fire vehicles \$100,000 (tanker 1 in 2028, tanker 2 in 2030 and engine 2 in 2037).

Karen Coyne stated that Pier D'Aprile worked diligently with Tim Allen on the DPW's CIP as it is the largest. Barak Greene asked about the sprinkler system for Town Hall. Karen Coyne stated that the Select Board did not submit a request for it.

Barak Greene made a motion seconded by Pier D'Aprile to approve the CIP for 2026 through 2031.

Motion Passed 6-1. Ian Rogers voted in the negative.

B. Site Plan Application Review

John Leavitt and Ian Rogers submitted a submission for the Planning Board to review.

John Leavitt's submission was reviewed.

1I: Vacancies of space within a single use building or a multi-use building will be considered abandonment of use or considered a non-use if they are vacant for more than 3 years, or

Barak Greene would like to keep item 1I because the 2 year abandonment issue is in line with other existing ordinances that requires a new application. John Leavitt stated that enforcement is the issue. Barak Greene

stated that it would be up to the building inspector. Micah Thompson stated that there would not be any reason for the building inspector to come in until a certificate of occupancy is requested. John Leavitt explained the reason he wanted to remove it is because there is no way for the town to monitor it. John Leavitt clarified that it is rooms within the building that he perceives as an enforcement issue. James Gaffney stated that he likes the narrowness and general simplicity of how John Leavitt approached this.

1L. *Request by the applicant/Owner subject to the limits of the Planning Board's statutory jurisdiction.*

Barak Greene questioned the need to remove section 1L. He stated that if a property owner requests a site plan review, they should be permitted. Ian Rogers agreed.

Ian Rogers stated that he agrees with Barak Green regarding section 1I, he views the issue of vacant space inside a building would affect the outside of the building in some way. He is in favor of keeping both 1I and 1L. Bob Holmes stated that in reading 1K, (*When applying for a change of use for a project with a previously approved site plan for which construction has not been completed, all previously approved waivers of regulations shall be resubmitted for approval, or*) he believes that it could violate RSA 674:39 in some cases. He explained that the RSA states that the approval is good for 5 years. Karen Coyne stated that it refers to a change in use, and the Planning Board has said that a change in use triggers site plan review. Micah Thompson questioned the term abandonment verses non-use. He stated that someone could be utilizing a portion of a building but not another that would not mean the building has been abandoned since a portion of the building is being used and taxes are being paid on it. Barak Greene stated that is a fair point. James Gaffney explained that in the past it has been applied when a property discontinues a use for a significant period of time. Karen Coyne stated that she can see Micah Thompson's point what constitutes abandonment. James Gaffney stated that in this case it would typically apply to a commercial property. Bob Holmes does not think the Town should be monitoring sections of buildings for use.

Barak Greene explained that he views this as; if a strip mall once had a restaurant and that restaurant closed and three years later another restaurant moves in and they decide a site plan is not necessary, he believes a site plan review should be required. James Gaffney stated that it would not be a change in use. He stressed that if it is a permitted use in that district it is permitted. James Gaffney stated that he is not in favor of requiring people to jump through hoops to do things that are clearly permitted in the district.

Ian Rogers spoke to the restaurant example; he agrees with Barak Greene that it would be good practice to require a site plan review. He stated that depending on the situation however, if everything is the same they might not need to go through a site plan review. James Gaffney stated that the purpose of this is to simplify the process and make this as simple and understandable as possible.

Bob Holmes explained that the Town has a new building inspector/code enforcement officer. He suggested asking the building inspector / code enforcement officer for his input. James Gaffney stated that code enforcement is completely separate from Planning Board and Site Plan Review. James Gaffney expects that whatever the Planning Board approves the building inspector/code enforcement officer would be responsible to inspect or enforce what was approved. Micah Thompson stressed that zoning and building enforcement are not the same. Barak Greene agreed but other communities utilize a tactical review committee to review all applications to give their input before the Planning Board does. Karen Coyne asked if the building inspector is also the code enforcement officer. Mike Smith concurred that the newly hired building inspector is also serving as code enforcement.

Barak Greene and Ian Rogers stated that they like John Leavitts edits but they both would prefer to keep 1I and 1L.

James Gaffney made a motion seconded by John Leavitt to adopt John Leavitt's edits as written.

Discussion on the motion: Barak Greene suggested revising the language of 1I to strike vacancies and spaces for a singular use and replace it with vacancies in a multi-use building. Karen Coyne clarified the friendly amendment to be *"the vacancy of space in a multi-use building will be considered abandonment of use or considered non-use if vacant for more than three years"*. James Gaffney would like a qualification that is a makes it clear that it is logically separate space. Barak Greene agreed. The Board considered *"the vacancy of unit(s) within a multi-use commercial building with the exception of residential use will be considered abandonment of use or considered non-use if vacant for more than three years"*.

Amended motion

James Gaffney made a motion seconded by John Leavitt to accept John Leavitt's edits as written with the exception of 1I which is "the vacancy of unit(s) within a multi-use commercial building with the exception of residential use will be considered abandonment of use if vacant for more than three years". Motion Passed unanimously.

The Board reviewed the edits submitted by Ian Rogers. Barak Greene stated that in reviewing Ian's edits it appears that the Land Use Secretary and the Town Administrator retain the ability to determine a site plan review as needed. He stated that it does not fix the problem they are having. Ian Rogers stated that he focused on housekeeping issues by clarifying language and to solidify the procedure of how it is determined whether something needs a site plan review. Ian Rogers explained that he tried to establish multiple avenues or different ways to make the determination for different situations.

Ian Rogers explained that his another proposed edit includes language that states that the land use secretary may not be able to make the determination if a site plan review is necessary and in that case the Town Administrator would be an option but if the Town Administrator was not available the Planning Board would make the determination. Ian Rogers explained that every situation will be different and he tried to build this procedure in such a way that it would allow for those differences. Barak Greene stated that one of the biggest problems is that everyone in Town Hall wears multiple different hats. He stated that the Town does not have professionals on staff that can look at plans and see through any kind of misdirection or confusion. He spoke of three recent examples that caused issues. Karen Coyne questioned if the Town Administrator would have the qualifications necessary to make the determination on a need for a site plan review. Bob Holmes stated that the new building inspector does have extensive experience. He stated that for him the real issue is who would the applicant speak to first; the land use secretary or the building inspector. Barak Greene stated that this also needs to prevent the abuse of the system. James Gaffney stated that is happening now by issuing building permits without charging town employees which is not in the zoning ordinance.

Micah Thompson stated that the new building inspector is also working in two other towns and he expressed concern about the added expectation of requiring him to do additional reviews.

James Gaffney made a motion seconded by John Leavitt to reject Ian Rogers's edits. Motion Passed 6-1-0, Ian Rogers voted in the negative.

Discussion on the motion:

Ian Rogers asked what items on the list of determinations (of what requires a site plan review) would require someone to have special experience. James Gaffney stated that the question of what the special qualifications are is external to the motion on the floor. Barak Greene stated that in addition to that the edits proposed does not resolve the abuse question. Ian Rogers explained that his second point does involve the abuse question, he inquired if the person who made the incorrect decision had read the list of determinations. Barak Greene stated that does not change the capacity for whether or not it could be abused. James Gaffney stated that the

way to keep things as consistent as possible is to keep it at the Planning Board level. Ian Rogers stated that he does not see the potential for abuse as others do. He stated that there is value in streamlining the process for applicants and saving their time and the time of the Planning Board.

The Planning Board agreed to schedule a public hearing to consider the adoption of John Leavitt's edits.

C. State Changes and Zoning Ordinance Modifications

The Planning Board continued their discussion on State Changes and Zoning Ordinance Modifications. Bob Holmes stated that the Housing Committee approved a draft ordinance for accessory housing and that should be coming to the Planning Board. The Planning Board agreed to add that to a November agenda.

James Gaffney stated that it has been brought to his attention that a Select Board member said that the Select Board cannot take action regarding the encampment on North Road because the Planning Board and the Zoning Board have not given them some means of taking action. James Gaffney asked if the Planning Board would like to discuss changing the zoning ordinance to address this. He stated that the Town does not have an ordinance relating to squatting. Barak Greene asked if there is an ordinance regarding cleaning up. Pier D'Aprile asked if the Select Board has asked the Planning Board to weigh in on this. James Gaffney stated they have not. Karen Coyne clarified that James Gaffney is asking if the Planning Board has an appetite to make changes to the zoning ordinance to address this situation. The Planning Board discussed the issue of trespassing on town owned property. James Gaffney explained that language could be revised to include "the Select Board shall". Ian Rogers suspected there are other tools the Town could use apart from zoning. Barak Greene stressed that the Welfare department should be the responding department. James Gaffney reiterated that there are trespassing, trash and noise issues, and the welfare component is separate for the land use issues. James Gaffney will not speak to the intent of the people, the Planning Board can only consider land use issues. He reiterated that the Select Board has complained that they do not have the tools to address this and he would argue that clarity is need. He suggested adding the issue to the next agenda. James Gaffney stated that this would definitely need to be a Town Meeting issue. Pier D'Aprile suggested reviewing the trespassing ordinance and respond to the Select Board if they determine the trespassing ordinance is sufficient for the Select Board to take action. James Gaffney explained that it is his position that the Select Board lacks the will to take action and if the zoning ordinance language was changed to "the Select Board shall..." that would compel them to take action. Micah Thompson questioned if this is a communal issue, he stated that this is a very big issue for the Planning Board to involve itself in. Barak Greene stated that the Planning Board should not be policing the Select Board. Karen Coyne stated that she will schedule this on the November 17th agenda to determine what if anything the Planning Board wants to do.

VI. COMMUNICATIONS

Karen Coyne advised the Board that late today the findings from Aries Engineering was received and will sent out. She stated that Aries has offered to attend a meeting. She will invite Aries to the November 3, 2025 meeting. She asked the Board to review the information and be prepared for November 3rd.

Karen Coyne stated that Peacock has filed a request for an extension.

VII. REVIEW MINUTES October 6, 2025

Tabled to review the Zoom video

IX. ADJOURN

The meeting adjourned at 8:23 PM

Respectfully submitted by Tracy Doherty