



TOWN OF WARNER

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Planning Board Meeting Minutes

August 18, 2025, 7:00 PM

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

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

II. **ROLL CALL**

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

III. **PUBLIC COMMENT**

None

IV. **NEW BUSINESS**

A. **Conceptual Consultation**

Applicant: Carl Nickerson

Owner: Carl Nickerson

Address: Map 17, Lot 011, 39 Morse Lane

District: R-2

Proposed Use: Modular Home

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

Carl Nickerson advised the Planning Board that he is hoping to place a modular home on the property. He stated that currently there is trailer/camper with an A-frame roof and a porch on the property for which he pulled a demolition permit. Mr. Nickerson apologized to the Board that he did not bring all of his documentation and pictures. He stated that he demolished the A-frame roof and porch. He is working on the demolition of the remaining building. Mr. Nickerson hopes to face the new home towards the east and install solar panels.

Mr. Nickerson explained that he purchased the property in 2011, and he respects the land because it is a special place. He stated that he had been living in Massachusetts, limiting what he could do and when he could make improvements. Mr. Nickerson explained that he has since retired and lives in Warner. He stated that he really likes the town and the people are nice.

Karen Coyne asked if there was a septic system on the property. Mr. Nickerson explained that currently there is an outhouse, but he has spoken to a septic person. He explained that he is interested in replacing the outhouse and tank with a concrete septic tank.

James Gaffney questioned if the property is a buildable lot. Karen Coyne stated that it is up for discussion because the current tax card indicates that it is not a buildable lot as it has no road frontage and it is completely in the flood plain. She explained that the Select Board recommended that the owner go for a variance. She stated that there are Select Board meeting minutes from 2007 that indicate that the previous owner (Dan Hart) was told the lot was not a buildable lot.

Barak Greene asked Mr. Nickerson how he was accessing the property. Mr. Nickerson informed the Planning Board that he has a right of way (ROW) in perpetuity with his neighbor Bob Shoemaker. Barak Greene asked if that is in writing. Mr. Nickerson stated that it is in his deed.

Ian Rogers asked for clarification on the area that Mr. Nickerson considers grandfathered. Mr. Nickerson explained that he purchased the foreclosed land from Sugar River Bank on August 30, 2011. He stated that he was told by the bank that the area was grandfathered. Mr. Nickerson explained that he did speak to DES, and he was advised that the Town can honor the grandfathered area but the State DES does not. Mr. Nickerson clarified that he is not sure if his documentation specifies a grandfathered area. He advised the Planning Board that to him that made sense because that area is where the well and electrical pole is located. Mr. Nickerson explained that 9 years ago he dealt with the Town and the forester to remove trees on the property that were a safety concern.

James Gaffney asked for an estimate on the distance between the existing trailer and the river. Mr. Nickerson explained that he measured the driveway, and it is approximately 100 feet. He advised the Planning Board that he hopes to nudge the footprint a little more toward the east, away from the river. Karen Coyne asked about the current well and electric service. Mr. Nickerson explained that he spoke to Eversource and was told that when the time came the electricity would be upgraded from 100 amps to 200 amps.

Bob Holmes referenced the meeting minutes from the 2007 Select Board meeting where Mr. Hart (previous owner) was advised the Select Board that the ROW dates back to 1907.

Micah Thompson asked if Mr. Nickerson intends to dig a basement for the modular home. Mr. Nickerson stated that he was going to ask about that because it would be nice for the hot water heater. He explained that he has an artesian well that he will need to install a filtration system for. Mr. Nickerson would like to have a basement for practical reasons. Mr. Nickerson advised the Board that he was told by DES that they do not care about a basement they are primarily concerned about the overall footprint as it is related to the river. Mr. Nickerson explained that he is hoping to condense the soil and place the concrete pad on top of the compacted soil. He is hoping to have a mortarless retaining wall. He explained that he would like to have a rectangular footprint to bring him away from the river in an attempt to condense his overall footprint.

Karen Coyne asked Micah Thompson from his experience how likely it is that a basement is possible since the lot is completely in the flood plain. Micah Thompson said it is not likely that a basement or a permanent septic system would be approved. James Gaffney asked if there is any place on the property that would be better suited for a home site. Mr. Nickerson does not believe there is because it would be farther away from the well and electricity, and trees would need to be removed. James Gaffney questioned if there is any place on the site that is not in the flood plain. Mr. Nickerson was told by DES that he would need to hire a

professional who could determine how and where to build on the property. He explained that he would put dense fill on the property to protect the septic.

Mr. Nickerson spoke about the new law that allows a modular home in a residential zone. Karen Coyne explained that modular homes are permitted anywhere a home can be built. She explained that the Board is trying to determine if the property is a buildable lot. Karen Coyne explained that the Town's zoning ordinance determines if a lot is buildable or non-buildable. She stated that road frontage and minimum lot requirements still prevail. She clarified that the law that Mr. Nickerson is referring to states that if he owns a buildable lot, he is absolutely permitted to have a modular home on it. Micah Thompson explained that modular homes are required to have all the same permits that a stick built home would have.

Bob Holmes referred to NH RSA 674:41 that requires all homes to have road frontage. He stated that law spells out how to become compliant. He advised Mr. Nickerson that through site plan review showing a private driveway, there are also ways through the zoning board, the Select Board and at Town Meeting. Bob Holmes stated that there is a process that Mr. Nickerson will need to go through to become compliant with the State laws (frontage and septic) and then he can start the process with the Town zoning requirements. Bob Holmes stated that there are various interpretations of Warner's ordinances. He stated that in 2007 the zoning board voted that the lot was not buildable.

Mr. Nickerson explained that the ROW to his property is a solid roadway that supports heavy tree removal equipment. Bob Holmes explained that the current law does not consider a ROW as road frontage. He suggested Mr. Nickerson consult an attorney for the best course of action.

Barak Greene stated that the property is in current use and building on the property would disqualify it from the current use program and a land use change tax would be issued to Mr. Nickerson. Barak Greene asked if Mr. Nickerson could provide a copy of his deed that reflects the ROW. Mr. Nickerson apologized again for not bringing all of his documentation. Barak Greene pointed out that the portion of land that Mr. Nickerson crosses to access his property is Town owned and that would require a ROW agreement with the Town. Barak Greene further noted that the map depicts the flood plain and Mr. Nickerson would not be permitted to move the location of the house. Mr. Nickerson went to his vehicle to retrieve his documentation.

Mr. Nickerson distributed pictures of the property.

James Gaffney asked if Mr. Nickerson has considered a survey of the property to give him a clear understanding of what he can and cannot do. James Gaffney explained that Mr. Nickerson can replace what is there and continue to use it as it is. He cautioned Mr. Nickerson that if he removes what is there in hopes of building something else, he will face many hurdles. Karen Coyne spoke about the footprint of the structure, she explained there is nothing stopping Mr. Nickerson from having a larger version of a trailer on the site. She stated the hurdles come when there is a change from a trailer to a structure. Karen Coyne explained that a building permit cannot be issued without a septic and that will be a difficult hurdle followed by the road frontage requirement.

Pier D'Aprile explained that the property has a seasonal approval. Mr. Nickerson explained that he has retired and is living full time in the camper on the property. Pier D'Aprile stated that that could be an issue. Mr. Nickerson stated that he was not aware of the seasonal approval.

James Gaffney encouraged Mr. Nickerson to reach out to an engineer to look at the small portion of the property not in the flood plain to determine the elevation, and if it could support a septic. Pier D'Aprile agreed that Mr. Nickerson should contact an attorney before he gets too involved in this.

Ian Rogers agreed with Bob Holmes and Pier D'Aprile that speaking to an attorney would be a good idea. James Gaffney suggested that before he starts accruing attorney fees, Mr. Nickerson could consult with an engineer to determine if there is enough buildable area out of the flood zone. Karen Coyne questioned whether there is a resource for Mr. Nickerson to contact. Barak Greene wonders if NH Housing would be someone to contact. Micah Thompson suggested speaking with a septic designer, someone who does this for a living and is licensed. Barak Greene suggested a wetland survey. Mr. Nickerson stated that he is meeting with NH DES.

Karen Coyne recapped the three initial hurdles: the septic, the flood plain and the ROW (RSA 674:41). She stated that the State DES is probably the best starting point. She suggested getting the basics checked off before spending money. James Gaffney asked Mr. Nickerson to let the Planning Board know the outcome of his meeting with the State DES. Micah Thompson advised Mr. Nickerson that everyone here is trying to be helpful to Mr. Nickerson. Mr. Nickerson appreciated that and assured the Board that he does not want to do anything wrong. Karen Coyne informed Mr. Nickerson that the Planning Board is here to help and answer any questions he may have. She invited him back in the future if he wants to discuss his plans. Mr. Nickerson appreciates everyone's insights. Karen Coyne stated that the Planning Board appreciates Mr. Nickerson's willingness to do the right thing.

V. UNFINISHED BUSINESS

A. Resident Concern: Map 07 Lot 043-1

Chrissy Almanzar explained that she is fielding complaints from a resident regarding the resident's neighbor who is operating an axe throwing business on the property. Karen Coyne explained that recently the neighbor posted on Facebook that he is building an axe throwing structure on his property. She advised the Board that there are zoning issues about having a Conex box on the property and zoning issues relating to operating a business without a permit. The Select Board agreed to send the neighbor a letter. Karen Coyne stated that the resident has not heard back from anyone from the Town. Chrissy Almanzar explained that the resident wants to know when the Conex box will be removed.

Barak Greene stated that this is a Select Board issue. Karen Coyne agreed, but she wanted it on record that the Planning Board referred the matter to the Select Board. She stated that the resident has not heard from the Select Board regarding her complaint. Mike Smith stated that the Select Board is aware of the situation and they sent a letter regarding the situation. Mike Smith stated that the resident with the axe throwing business was supposed to file an application with the zoning board. Chrissy Almanzar stated that that does not address the Conex box. Karen Coyne asked Chrissy Almanzar to write to the complaining resident to explain that this is a Select Board matter and advise her to contact Judy Newman-Rogers and Harry Seidel. James Gaffney would like her to be made aware of the Select Board meeting schedule.

B. Site Plan Amendment Proposal from 7/21/25

Tabled

C. Bonds Conversation from 7/21/25

Tabled

D. Input for the Central NH Regional Plan

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

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

Karen Coyne informed the Planning Board that she has not received anything from CNHRPC regarding what their questions are. James Gaffney asked if the Planning Board should reach out to the CNHRPC. Karen Coyne will reach out to Barb Marty.

**VI. REVIEW MINUTES July 21, 2025 and August 4, 2025
7/21/25**

James Gaffney stated that there is missing content on page 3 line 32. Chrissy Almanzar will review the zoom video and submit the missing content.

August 4, 2025

Ian Rogers made a motion seconded by Barak Greene to approve the August 4, 2025 Planning Board meeting minutes as presented. Motion passed unanimously.

VII. COMMUNICATIONS

Karen Coyne will be presenting the CIP to the Budget Committee and Select Board on Thursday August 21, 2025.

VIII. REPORTS

Chair's Report- Chair, Karen Coyne

None

Select Board - Harry Seidel

None

Regional Planning Commission - Ben Frost, Barb Marty

None

Economic Development Advisory Committee – James Sherman

None

Agricultural Commission - James Gaffney

None

Regional Transportation Advisory Committee – Tim Blagden

None

IX. PUBLIC COMMENT

None

X. ADJOURN

The Planning Board meeting adjourned at 8:18 PM.

Respectfully submitted by Tracy Doherty