



Zoning Board of Adjustment

Wednesday, June 10, 2026 7:00 PM
Town Hall Lower Meeting Room

TOWN OF WARNER
P.O. Box 265, 5 East Main Street
Warner, New Hampshire 03278-0059
Land Use Office: (603)456-2298 ex. 7

I. OPEN MEETING and ROLL CALL

The Chair Barb Marty called the meeting to order at 7:03 PM.

Board Member	Present	Absent
Sam Carr (Alternate)	✓	
Jan Gugliotti		✓
Beverley Howe		✓
Barbara Marty (Chair)	✓	
Lucinda McQueen	✓	
Derek Narducci (Vice Chair)	✓	
James Zablocki (Alternate)	✓	
Ian Rogers (Alternate)	✓	

The Chair elevated Sam Carr to a voting member to fill in for Bev Howe. She stated that until and if Jan Gugliotti arrives James Zablocki is elevated to a voting member. The Chair asked if any Board member had a conflict of interest. No one expressed a conflict of interest. The Chair asked if the Board had any reservations about the application being complete. No one had a concern.

II. NEW BUSINESS:

A. Application for a Variance Case: 2026-1

Applicant: Hial & Laura Colburn

Owner: Hial & Laura Colburn

Address: 94 Howe Lane

Parcel: Map:13, Lot:39-1

District: OC-1

Description: Application to construct a garage 21-feet from the south setback where 50-feet is required. Article VIII - C.1. b.

The Chair explained the process of the public hearing and invited the applicants to present their application

Hial and Laura Colburn present their application for a variance. Hial Colburn explained that they would like to build a detached garage on part of their property that has been cleared and leveled. He stated that he selected the location because it is away from powerlines and trees.

Criteria #1 Public Interest: Mr. Colburn noted that this project does not negatively impact the public interest or safety. He explained that the addition of the garage will not change the character of the area the design of the garage will be very similar to the styling of the house, is designed and will be built by professionals and adhere to all building codes applicable. The garage will not be visible. Only people traveling up the stretch of road on Howe Lane that parallels the southern property line will be able to see it. It will not be visible from any of the abutter's houses.

Criteria #2 Spirit of the ordinance: Hial Colburn explained that the purpose of the zoning ordinance governing the proposed structure is basically to keep the area in as much of a natural state as possible. What he is proposing is an aesthetically pleasing garage that exhibits a classic barn look to keep in line with the spirit and the broader goal of the zoning ordinance.



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Criteria #3 Substantial Justice: Hial Colburn explained that by allowing the proposed garage it would allow him to properly store his outdoor equipment out of public view. Since there is no expected harm to the public from this proposal the benefit of protecting the expensive equipment overrides any harm to the public. The Chair asked if the hoop sheds would be removed if the garage is permitted. Mr. Colburn stated that he is considering it but does not have a definitive answer.

Criteria #4 Value of surrounding properties: Hial Colburn explained that the proposed garage would not negatively impact the property values of surrounding properties because of the distance from abutters. He stressed that the structure will be professionally designed and built and will be of excellent quality.

Criteria #5 Literal Enforcement results in unnecessary hardship: Mr. Colburn explained that despite owning 12 acres there is very little buildable space due to slope, trees and ledge. He noted that any other location on the property would place the structure close to Davis Brook or another unnamed brook and require significant land grading and clearing. Additionally, there are power lines that bisect the front of the property line, parallel to the southern property line, that has an additional 10-foot setback. Construction of the proposed garage is reasonable and allow safe storage of equipment and provide additional indoor workspace without damaging any public interest or diminish property values to the abutters.

The Chair opened the floor for additional Board questions.

The Chair asked if the consideration has been given to another location on the property?

Laura Colburn explained that the only access to the property is via their driveway other possible locations would place it too close to the brooks and they would prefer to keep the brooks in their natural state. .

The Chair commented that the maps don't clearly show the power lines, but they were very noticeable on the site visit.

Hial Colburn spoke about the power lines on the property and the need to avoid them. He pointed out where the lines are on the plot plan that was included with the application. Mr. Colburn said Eversource clears their right-of-way every few years.

Sam Carr asked if they have to keep a certain distance away from the power line? Mr. Colburn said the power company needs to get onto the property with a box truck or lift so the distance has to allow for that.

The Chair asked if the Colburn built the house? Mr. Colburn said the home existed when they bought the property.

Jim Zablocki had questions about whether the requested variance calculations include the overhang of the roofline and the lean-to portion of the building? Mr. Colburn explained that he needs to add another foot for the overhang. Jim Zablocki asked if there was any way to move the building further from the setback?

Mr. Colburn explained that he had only paced off the 10-foot power line distance so might be able to move it back a little bit but it wouldn't be significant. They still need to accommodate the turnaround to get in and out of the driveway.



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Lucy McQueen said she didn't see any objections from the abutters concerning the proposal. The Chair said they would get to hear from the abutters since they are all present.

No Further questions from the Board. The Chair opened the discussion to public comment and abutters.

Rebecca Ladd explained that she and her brother own the abutting property and they are fine with the proposed garage.

Mimi Wiggins stated that she is an abutter and does not have any issue with the proposed garage. Much of the land is already in a conservation easement and will never be built on.

Peter Ladd stated that he does not have any objection to the proposed garage.

The Chair asked for any additional comments before closing the public comment. The Chair asked if the Board had any additional questions for the applicant before going into deliberation?

Derek Narducci asked for clarification on the power lines to the garage if they would be underground or go over the existing lines? Hial Colburn explained that the existing lines would be used to run electricity to the garage and that because it is such a short span it would not require an additional pole.

The Chair stated that in doing a site walk she was surprised to see how close the drop-off to the brook is to the back of the house and that it does limit their options for siting the garage. Having stood on the property it really showed how the powerlines, streams, and stone walls converge in that area

The Board began deliberating. The Chair explained that the Board will consider each of the five criteria but vote on the application as a whole.

Public Interest: The Board agreed that the garage would not be in contrast to the public interest or safety. The Chair stated that the essential character of the district is farms and large residential properties and this proposal will not change that character or the health, safety or welfare of the district. Sam Carr appreciated the effort to maintain as much forest as possible and avoiding the brooks. He stated that clustering the house and garage together, accessible from the road is in keeping with the appearance of the district.

Spirit of the Ordinance: The Chair commented on the wording of the ordinance for the OC-1 district. "The district is designated for agriculture, forestry, and very limited residential use in an inaccessible land which because of steepness of slope or drainage and periodic flooding shall not be intensely developed" The Board agreed that the proposed garage does not contradict the spirit of the ordinance.

Substantial Justice: The Board determined that the loss to the applicant would significantly outweighs the gain to the general public if the variance was denied. The Chair noted the limited visibility from the road. Sam Carr commented that the only possible loss to the public would be if it was within the 50-foot frontage setback but it is still more than 50-feet from the public right-of-way.



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Value of Surrounding Properties The Board determined that surrounding property values would not be negatively impacted. Derek Narducci stated that the proposed barn/garage is keeping with the character of the other properties in the neighborhood.

Literal Enforcement of the Zoning Ordinance: The Board agreed that the literal enforcement of the zoning ordinance would cause unnecessary hardship to the applicant. The Chair spoke about the unique characteristics of this lot, such as steepness and slope of the property. Sam Carr explained that they are hard to see in the photos but the power lines are unique to this property limiting where the garage could be located. He noted that there are two brooks in the area making it impossible to extend the driveway in any direction. The Chair stated that the proposed use of the structure is reasonable.

The Chair suggested adding a condition regarding flood lights; restricting the use of flood lights on the back and side of the building because it will be so close to the property line. Hial Colburn stated that would not be an issue for them.

James Zablocki stated that initially he was concerned about the size of the variance requested. He stated that the request will not affect any of the surrounding properties and commented on how sparsely populated the area is. He stressed that this is unique situation considering the size of the variance needed.

Sam Carr agreed and noted he initially had the same concerns. Then on his site visit saw that the power lines on the property do not leave a viable option for another location for the garage. James Zablocki reiterated this will not impact anyone in the area which needs to be considered when granting a variance. The Chair stated that if there was another viable location without violating the setbacks this could be denied. She explained that the property has to have unique characteristics that make it qualify for the hardship criteria.

Derek Narducci made a motion seconded by Lucinda McQueen to grant a variance to the 50 foot setback not to exceed 30 feet at 94 Howe Lane Map 13, Lot 39-1 with the condition of no exterior flood lights on the back or side of the structure. Roll Call Vote Zablocki YES, Carr YES, Narducci YES, McQueen YES, Marty YES

III. REVIEW MINUTES – April 8, 2026 TABLED until minutes are available

IV. COMMUNICATIONS

The Chair announced that an offer of employment has been made to fill the open Land Use position.

V. ADJOURN

Derek Narducci made a motion seconded by James Zablocki to adjourn the meeting. Motion passed unanimously.

The meeting adjourned at 7:40 PM
Respectfully submitted by Tracy Doherty