

Applicant's Checklist

Have you included		Item	Land Use Office finds	
Yes	No		Yes	No
✓			Complete and sign, the proper application for the type of appeal (request).	✓
N/A		If a variance is requested, it must be based on a referral from the Board of Selectmen or the Planning Board and included with the application. <i>Spoke with the LL office</i>	✓ N/A	
✓		A list of all abutters within 200 feet of the boundaries of the property on the supplied form. Accuracy is the applicant's responsibility. The abutters list must be obtained from the Town of Warner's Assessor's records.	✓	
N/A		An attached copy of any order, notice of violations or other communications received from either the Board of Selectmen or the Planning Board that pertains to the property. (If applicable)	N/A	
✓		Plans shall include: <ul style="list-style-type: none"> Clearly indicate where the site is located (locus map) and what is proposed drawn to scale. 		
✓		<ul style="list-style-type: none"> Show for the "lot of record" the boundary lines with footage on all sides. 		
✓		<ul style="list-style-type: none"> A copy of the lot's deed (to verify Owner). 	✓	
✓		<ul style="list-style-type: none"> Name of the road the lot fronts on. 		
✓		<ul style="list-style-type: none"> Include all existing structures on the lot, clearly indicating their dimensions, distance from other structures and distance from abutting property line, drawn to scale. <i>8/5 - not complete</i> 		
✓		<ul style="list-style-type: none"> For a proposed structure, include all of the above a floor plan with dimensions, (length, width, and height). 	✓	
✓		The applicant has paid fees (see application for specific fees). Check made out to the Town of Warner .	✓	
✓		Application must be received 15 days prior to the next ZBA meeting.	✓	
✓		All property owners must sign the application.	✓	
N/A		Authorization from Owner must be signed to designate someone to speak on behalf of the property owner(s). (If applicable)	N/A	



TOWN OF WARNER

P.O. Box 59
 Warner, New Hampshire 03278-0059
 Land Use Office: (603)456-2298 ex. 7
 Fax: (603) 456-2297

Zoning Board of Adjustment

APPLICATION FOR VARIANCE

This application is subject to NH RSA 91-A which affords the public access to government records and meetings.

Application Fee		Notification Fee	
Residential	\$50.00	Abutter Notification	___ x \$8.00
Commercial	\$100.00	Applicant Notification	\$60.00

* Fees for publication of the Legal Notice will be invoiced and must be paid prior to starting the hearing ** Please use attached form to list all abutters within 200 feet of the boundaries of the property.

Applicant/Contact Person Information			
Name of Applicant: <u>Rebecca Augeri</u>		Date: <u>7-24-24</u>	
Applicant Mailing Address: <u>224 Newmarket Rd</u>			
Town: <u>Warner</u>		State: <u>NH</u>	Zip: <u>03278</u>
Telephone	Primary: <u>360-791-6424</u>	Alternate:	
Owner of Property Information			
Name of Owner: <u>Stephen + Rebecca Augeri</u>		Date: <u>7-24-24</u>	
Owner Mailing Address: <u>224 Newmarket Rd</u>			
Town: <u>Warner</u>		State: <u>NH</u>	Zip: <u>03278</u>
Telephone	Primary: <u>603-748-4727</u>	Alternate: <u>360-791-6424</u>	
Location and Description of Property			
Map #: <u>13</u>	Lot #: <u>30</u>	Zoning District: <u>R3</u>	
Address: <u>224 Newmarket Rd</u>			
Will a Site Plan Review approval be required by the Planning Board?			Yes <input type="checkbox"/> No <input type="checkbox"/>
Proposed Use:			
Detached accessory dwelling unit			
Details of Request: Please feel free to include additional information on separate attached pages. Be sure to put the name of applicant and date on each sheet. (Indicate number of sheets attached)			
<p>We are requesting the zoning board allow an accessory dwelling unit to be built approximately 90 feet from our primary dwelling on our 13 acre property. This will be used to house an aging parent who will be starting dialysis soon.</p>			

ALL APPLICABLE PAGES MUST BE COMPLETED TO BE ACCEPTED

The undersigned hereby requests a VARIANCE to the terms of:

Article: XIV-B , Section: F of the Warner Zoning Ordinance

For a Variance to be granted, the following five conditions must be met:

(For more information reference the Warner Zoning Ordinance Article XVII and RSA 674:33.)

Please explain in writing how your project meets each of the five (5) conditions, in the space provided on the following pages. If you do not use the space provided refer to attached pages.

The applicant seeking a variance must be prepared to prove these conditions at the Public Hearing. In order for the public hearing to proceed there needs to be responses to all five conditions.

The five conditions are:

1. Granting the variance will not be contrary to the public interest because:
2. By granting the variance, the spirit of the ordinance is observed because:
3. By granting the variance substantial justice is done because:
4. Granting the variance will not diminish the values of surrounding properties because:
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:
 - A. Meaning that owing to special conditions of the property that distinguish it from other properties in the area:
 - i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision on the property; and
 - ii. The proposed use is a reasonable one.

[Explain what is unique about the property that makes the specific zoning restriction unfair and unrelated to the purpose of the provision, and that it is a reasonable use]
 - B. Or, if the criteria in 'A' are not established, then owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of the property.

[Explain what is unique about the property that makes the specific zoning restriction unreasonable]

1. Granting the variance will not be contrary to the public interest because:

The proposed ADU site is not visible to the public. The distance from the primary home is only slightly further than what is permitted by town ordinance. We believe anyone visiting the site would recognize the challenges with the ordinance of 75' due to the terrain, wetlands & existing infrastructure.

2. By granting the variance, the spirit of the ordinance is observed because:

The ordinance addressed a means to provide housing for extended family members. This variance will allow us to house a parent so that he can be cared for by family.

3. By granting the variance substantial justice is done because:

There is limited rental availability in Warner. This variance will allow for adequate & safe housing for my father. Having him in an ADU on our property will allow us to provide him with daily care.

4. Granting the variance will not diminish the values of surrounding properties because:

The proposed ADU site is not visible from the road or adjacent properties. The ADU will most likely increase our property value which in turn may increase the value of neighboring properties. There will be no need for more driveway cuts or impact in the amount of traffic on Newmarket Rd.

Answer - 5.A.i. and 5.A.ii. - or 5.B.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:

- A. Meaning that owing to special conditions of the property that distinguish it from other properties in the area:
- i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision on the property;

and

- ii. The proposed use is a reasonable one.

[Explain what is unique about the property that makes the specific zoning restriction unfair and unrelated to the purpose of the provision, and that it is a reasonable use]

Or, if the criteria in 'A' are not established

- B. Owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of the property.

[Explain what is unique about the property that makes the specific zoning restriction unreasonable]

Much of our property is greater than 25% slope. To stay within 75 feet of our primary home is made impossible due to wetland area, the septic site, our well, and a considerable slope. The closest buildable site is 90 ft from our home.

ALL APPLICABLE PAGES MUST BE COMPLETED TO BE ACCEPTED

Authorization from Owner(s):

1. I (We) hereby designate _____ to serve as my (our) agent and to appear and present said application before the Warner Zoning Board of Adjustment [Zoning Board].
2. By submitting this application I (We) hereby authorize and understand that agents of the Town may visit the site without further notice. I (We) further understand the Zoning Board may at some point during the review process schedule a Site Visit, which will be duly posted.
3. I (We) understand that the Zoning Board will review the application/plan and/or may send the application/plan out for review. The applicant shall pay for such a review.
4. To the best of my (our) knowledge, the information provided herein is accurate and is in accordance with the Town of Warner Zoning Ordinance and other land use regulations of the Town and other applicable state and federal regulations which may apply.

Signature of Owner(s): Rebecca Augeri
Stephen

Date: 7-29-24
 Date: 7-29-24

Signature of Applicant(s), if different from Owner: _____

Date: _____
 Date: _____

Printed name of person(s) who signed above:

Rebecca J. Augeri
Stephen L. Augeri

For Zoning Board of Adjustment Use Only			
Assigned Case #: <u>2024-05</u>			
Date Received at Land Use Office: <u>Janice Loz</u>			
Received by: <u>7/30/24</u>			
Fees Submitted:			
Amount: <u>\$1460.00</u>	Cash:	Check #:	Other:
Abutters' List Received:		<input checked="" type="radio"/> Yes	<input type="radio"/> No
Date of Review: <u>8/14/24</u>	Date of Hearing: <u>8/14/24</u>	Date Approved:	



TOWN OF WARNER

P.O. Box 265, 5 East Main Street
Warner, New Hampshire 03278-0059
Land Use Office: (603)456-2298 ex. 7
Email: landuse@warnernh.gov

ABUTTER'S / NOTICE OF A PUBLIC HEARING
Zoning Board of Adjustment Meeting

Town Hall Lower Meeting Room and via Zoom
August 14, 2024
7:00 PM

Join Zoom Meeting: <https://us02web.zoom.us/j/84102051310>

Meeting ID: 84102051310 **Passcode:** 1234

The Town of Warner Zoning Board of Adjustment has received an application. The ZBA will hold a Public Hearing on the request in accordance with NH RSA 675:7. Notification of this hearing is being made to abutters. The hearing will give you the opportunity to look at the proposal, ask questions and make comments. If you would like to view the application please contact the Land Use office, the address and email are listed above.

Written comments will be made a part of the record of the meeting and must be *received by 12:00 PM noon on the day of the meeting Wednesday, August 14, 2024*, mailed, emailed or delivered to the address above.

Application for a Variance

Case: 2024-05

Applicant: Rebecca Augeri

Property Owner: Stephen and Rebecca Augeri

Address: 224 Newmarket Road

Map/Lot: Map 13, Lot 30

District: R3

Description: Seeking a variance to the terms of Article XIV-B, Section F., to allow for an accessory dwelling to be placed 90 feet from the primary dwelling unit. The ordinance requires a distance of 75 feet between an accessory dwelling and the primary dwelling unit. 8

Note: Zoning 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.



200 feet Abutters List Report

Warner, NH
August 05, 2024

Subject Property:

Parcel Number: 13-30
CAMA Number: 13-30
Property Address: 224 NEWMARKET ROAD

Mailing Address: AUGERI JR, STEPHEN L HARDING,
REBECCA J
224 NEWMARKET ROAD
WARNER, NH 03278

Abutters:

Parcel Number: 13-29-3
CAMA Number: 13-29-3
Property Address: 199 NEWMARKET ROAD

Mailing Address: AUGERI, LAURA
PO BOX 5278
HAUPPAUGE, NY 11788

Parcel Number: 13-29-4
CAMA Number: 13-29-4
Property Address: NEWMARKET ROAD

Mailing Address: DEMEO, CHRISTOPHER DEMEO,
BARBARA
2 ADAMS HILL ROAD
CROSS RIVER, NY 10518

Parcel Number: 13-30-1
CAMA Number: 13-30-1
Property Address: 176 NEWMARKET ROAD

Mailing Address: GURKSNIS, JUSTIN T LEITGEB,
FRANCES A.
278 COLBY ROAD
WEARE, NH 03281

Parcel Number: 13-30-2
CAMA Number: 13-30-2
Property Address: RETREAT ROAD

Mailing Address: SEIF, JEREMY G SEIF, ROBYN A
78 RAMSEY ROAD
MIDDLESEX, NJ 08846

Parcel Number: 13-32
CAMA Number: 13-32
Property Address: 235 NEWMARKET ROAD

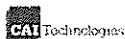
Mailing Address: DOERR, KEVIN
235 NEWMARKET ROAD
WARNER, NH 03278

Parcel Number: 13-33
CAMA Number: 13-33
Property Address: 247 NEWMARKET ROAD

Mailing Address: STAFFORD, JUSTIN D MCFARLAND,
ERIN L
247 NEWMARKET ROAD
WARNER, NH 03278

Parcel Number: 13-34
CAMA Number: 13-34
Property Address: 284 NEWMARKET ROAD

Mailing Address: POOK, DAVID O AUSICH, ELIZABETH C
284 NEWMARKET ROAD
WARNER, NH 03278



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

Please return to:
Tarbell & Brodich PA
45 Centre Street
Concord, NH 03301

MCRD Book 3406 Page 685

STATE OF NEW HAMPSHIRE

NH DRA DP-4-L
**C/H
L-CHIP**
6-96450

DEPARTMENT OF REVENUE ADMINISTRATION

REAL ESTATE TRANSFER TAX

4 THOUSAND 2 HUNDRED AND 75 DOLLARS

MO	DAY	YR	
08	22	2013	890868 \$ 4,275

VOID IF ALTERED

18.46
2.0
21-

4275.00

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **Jennifer E. Mitchell, unmarried,** of 224 Newmarket Road, Warner, NH, for consideration paid, grants to **Stephen L. Augeri, Jr., unmarried, and Rebecca J. Harding, unmarried,** of 201 Route 3A, Hill, NH, as joint tenants with rights of survivorship, with **WARRANTY** covenants, all my right, title and interest in the following:

A certain tract or parcel of land with the buildings thereon in the Town of Warner, County of Merrimack and State of New Hampshire, shown as Lot 30 on a plan entitled Newmarket Retreat Minor Subdivision Property of Peter & Elizabeth Lovejoy, Newmarket Road and Retreat Road, by Evans Land Consultants, PLLC dated 1/16/2007 and recorded in the Merrimack County Registry of Deeds as Plan #18734, bounded and described as follows:

Beginning at a point on the north side of Newmarket Road being the southwest corner of the premises described herein;

Thence northerly along land now or formerly of Bruce M. Blau N 1° 37' 29" E 516.94 feet to an iron pipe;

Thence turning and running N 88° 42' 26" W 161.13 feet to a stone wall and continuing along said stone wall N 89° 48' 12" W 174.52 feet to a drill hole set;

Thence turning and running N 4° 42' 20" W 240 feet to rebar set in stones;

Thence turning and running N 89° 1' 51" W 852.91 feet to rebar set 30' offset from center line of brook;

Thence continuing by the same bearing 30 feet to the center line of the brook;



LT1-2-201300018699-1



LT2-3406-685-3

Thence turning and running S 32° 47' 29" E 30 feet to rebar set in stones;

Thence S 32° 47' 29" E 700.89 feet to a stone bound set at the southeast corner of the premises described herein;

Thence turning and running along Newmarket Road the following courses and distances:

S 63° 33' 30" W 64.46 feet;
S 71° 7' 12" W 91.57 feet;
S 76° 50' 55" W 73.74 feet;
S 85° 1' 44" W 74.7 feet;
S 89° 43' 31" W 92.32 feet;
S 87° 7' 44" W 78.73 feet;
S 82° 45' 28" W 106.65 feet;
S 77° 52' 29" W 147.29 feet;
S 76° 35' 28" W 49.24 feet;
S 75° 43' 36" W 51.91 feet;
S 69° 27' 2" W 87.78 feet to the point of beginning.

Subject to any and all matters as shown on Plan #18734 of said Registry.

Subject to right of way to Douglas and Joanne Milbury dated 9/4/1993 and recorded in said Registry at Book 1934, Page 978.

Subject to riparian rights as to the brook as may apply.

Subject to all easements, rights, restrictions and/or covenants set forth in Deed as recorded in said Registry at Book 1284, Page 215.

Subject to Current Use Lien for Peter & Elizabeth Lovejoy for Map 13, Lot 30 dated 6/11/1979 and recorded in said Registry at Book 1348, Page 357.

MEANING and INTENDING to describe and convey all and the same premises as conveyed to Jennifer E. Mitchell and Robert B. Gainor by deed of Peter Y. Lovejoy and Elizabeth B. Lovejoy, dated March 17, 2008, and recorded at the Merrimack Registry of Deeds at Book 3053, Page 1661. See Death Certificate for Robert B. Gainor recorded in said Registry at near or even date herewith.

Grantor hereby releases to said Grantees all rights of homestead and other interests therein.

Executed this 22nd day of August, 2013.

Ces 188
Witness

Jennifer E. Mitchell
Jennifer E. Mitchell

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK, ss.

The foregoing instrument was acknowledged before me this August 22, 2013
by Jennifer E. Mitchell and Robert B. Gainor.

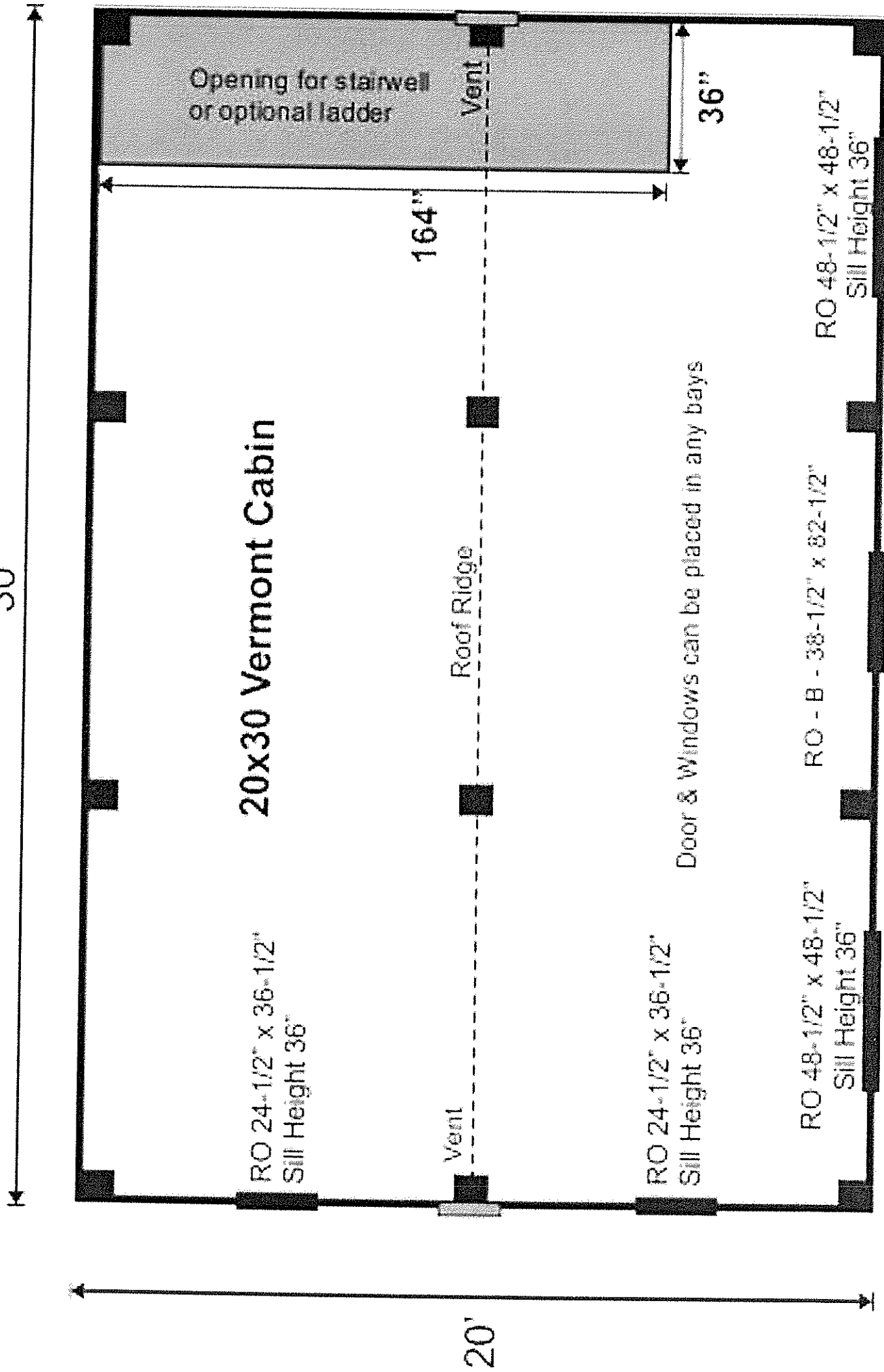


Ces 188
Notary Public/Justice of the Peace
My Commission Expires: 02/06/18

MERRIMACK COUNTY RECORDS

Karen L. Gray, CPO, Register

30'



20x30 Vermont Cabin

Opening for stairwell or optional ladder

Vent

36"

164"

Vent

Roof Ridge

Door & Windows can be placed in any bays

RO 24-1/2" x 36-1/2"
Sill Height 36"

RO 48-1/2" x 48-1/2"
Sill Height 36"

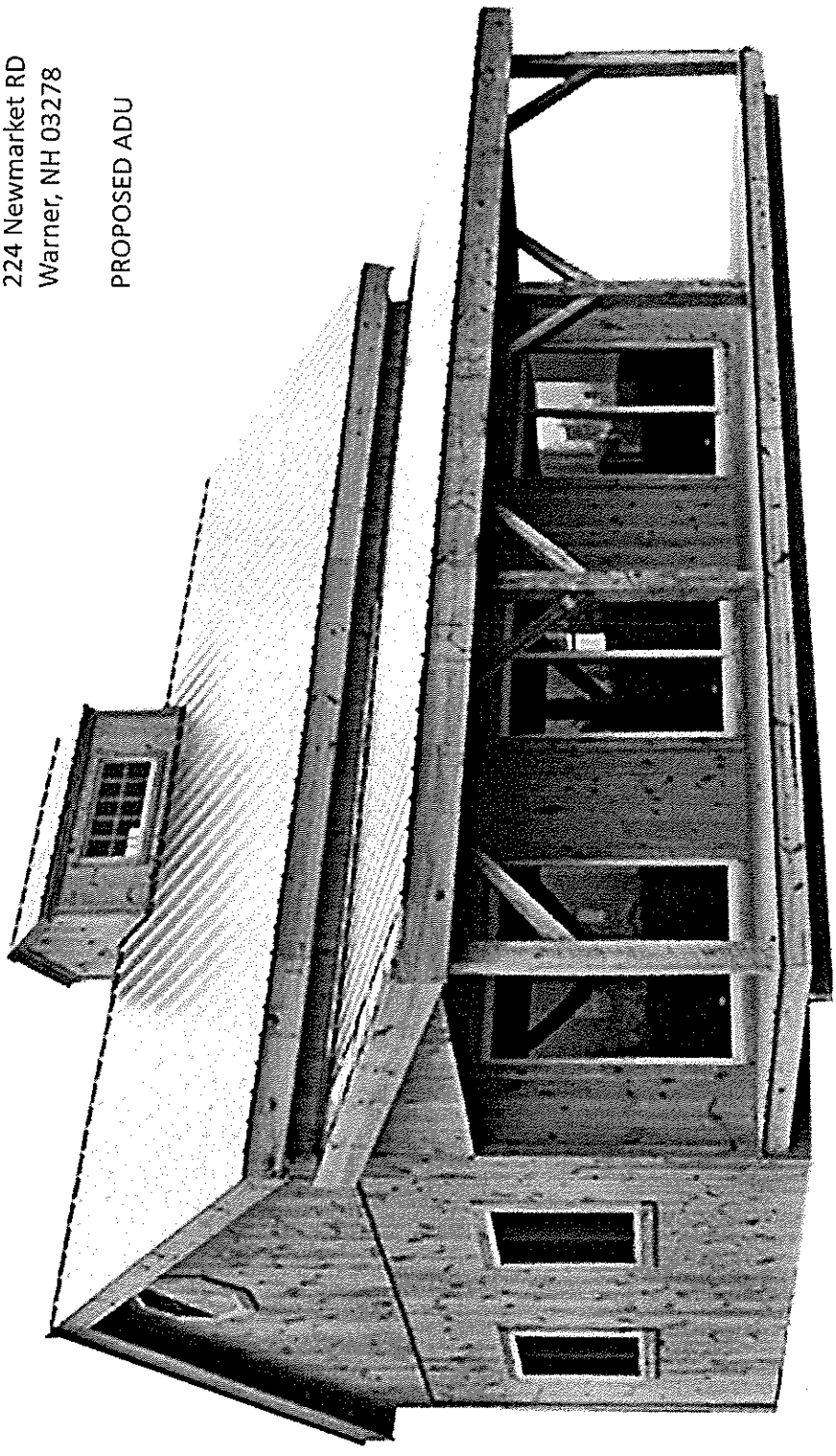
RO - B - 38-1/2" x 82-1/2"

RO 48-1/2" x 48-1/2"
Sill Height 36"

20'

224 Newmarket RD
Warner, NH 03278

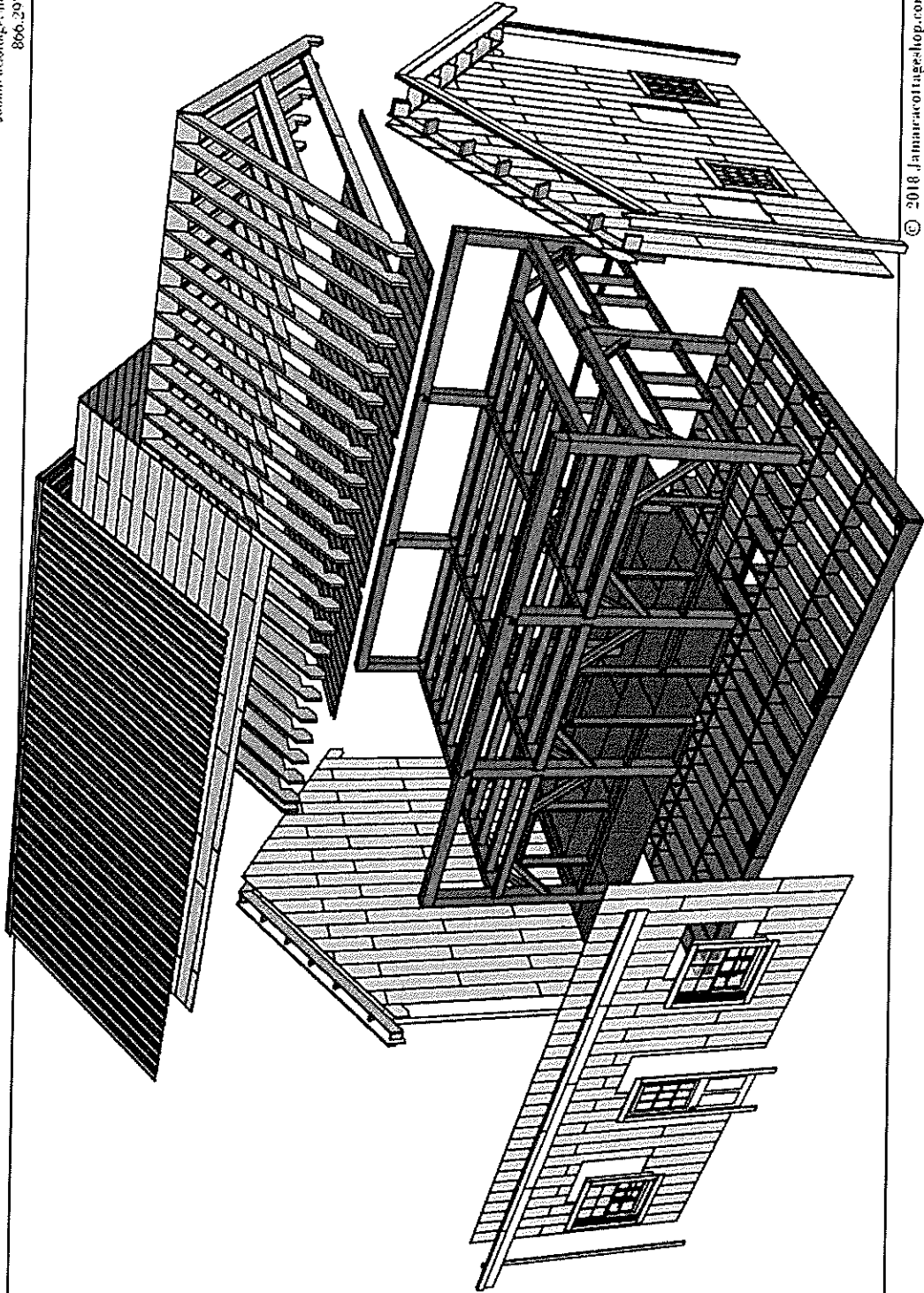
PROPOSED ADU





20x30 Cabin-8ft Loft

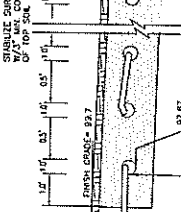
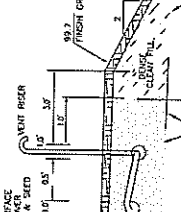
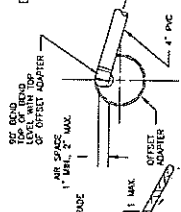
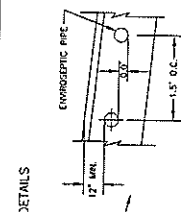
Jannira Cottage Shop Inc.
170 Winhall Station Rd
South Londonderry, VT 05155
JanniraCottageShop.com
866.297.3760



© 2018 janniracottage-shop.com

ITEM NO.	DESCRIPTION	DATE
1	ISSUE FOR PERMITS	07/27/2024
2	ISSUE FOR PERMITS	07/27/2024
3	ISSUE FOR PERMITS	07/27/2024
4	ISSUE FOR PERMITS	07/27/2024
5	ISSUE FOR PERMITS	07/27/2024
6	ISSUE FOR PERMITS	07/27/2024
7	ISSUE FOR PERMITS	07/27/2024
8	ISSUE FOR PERMITS	07/27/2024
9	ISSUE FOR PERMITS	07/27/2024
10	ISSUE FOR PERMITS	07/27/2024

LOT LOADING CALCULATIONS
 SOIL GROUP: D D SLOPE: 4.0% DRAINAGE FACTOR: 1.0
 AREA OF WELL RATIOS ON LOT = 0.40
 LOT SIZE = 13.13 ACRES (PER TAX CARD)



IF THE PROPOSED TANK IS IN THE WELL HEADS
 IT MUST BE GRADED AND COVERED

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 IT MUST BE GRADED AND COVERED

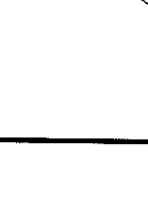
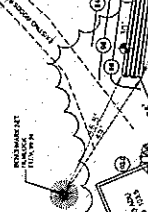
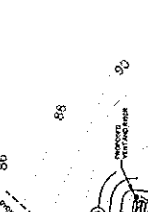
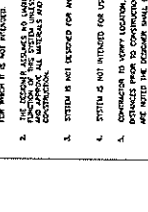
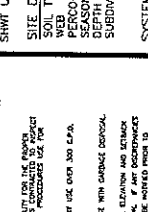
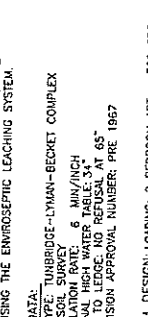
IF THE PROPOSED TANK IS IN THE WELL HEADS
 IT MUST BE GRADED AND COVERED

DESIGN INTENT:
 BOTTOM OF LEACH BED TO AT 97.67, WHICH IS 0.33' BELOW
 EXISTING GRADE ON THE UPHILL SIDE (98.0). THIS WILL PROVIDE
 A 2.33' SEPARATION BETWEEN BED BOTTOM AND THE
 SHIRT USING THE ENVIROSEPTIC LEACHING SYSTEM.

SITE DATA:
 SOIL TYPE: TUNBRIDGE-LYMAN-BECKET COMPLEX
 WEB SOIL SURVEY: 6 MIN/INCH
 SEEPAGE RATE: 6 MIN/INCH
 DEPTH TO LEACH: NO REFUSAL AT 65"
 SUBDIVISION APPROVAL NUMBER: PRE 1967

SYSTEM DESIGN: LOADING: 2 BEDROOM APT = 300 GPD
 LEACHING AREA: 268 SQ. FT.
 PIPE LENGTH REQUIRED: 140 LF
 SEPTIC TANK: PROPOSED 1250 GALLON CONCRETE TANK
 DISTRIBUTION BOX: NOT REQUIRED
 WATER SUPPLY: WELL ON LOT
 LEACHING PIPES: "ENVIROSEPTIC LEACHING SYSTEM" PER
 DESIGN & INSTALLATION HANDBOOK FOR NH, REVISED 2019.
 WARNER

NOTES:
 1. THE SOIL ANALYSIS OF THIS AREA IS FOR THE REGION AND
 IS NOT TO BE USED FOR ANY OTHER PURPOSES.
 2. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE
 PROPERTY AND HAS FOUND NO OBVIOUS OBSTRUCTIONS TO THE
 PROPOSED SYSTEM.
 3. THE SYSTEM IS NOT DESIGNED FOR USE WITH OVER 300 G.P.A.
 4. THE SYSTEM IS NOT DESIGNED FOR USE WITH GARAGE DISPOSAL.
 5. CONNECTION TO EXISTING SEWER, EXISTING AND NEW
 CONSTRUCTION, IS REQUIRED AND MUST BE APPROVED BY THE
 LOCAL HEALTH DEPARTMENT.
 6. THE SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE
 DESIGN & INSTALLATION HANDBOOK FOR NH, REVISED 2019.
 7. THE SYSTEM SHALL BE INSTALLED WITH A MINIMUM OF 18" OF
 COVER.
 8. THE SYSTEM SHALL BE INSTALLED WITH A MINIMUM OF 18" OF
 COVER.
 9. THE SYSTEM SHALL BE INSTALLED WITH A MINIMUM OF 18" OF
 COVER.
 10. THE SYSTEM SHALL BE INSTALLED WITH A MINIMUM OF 18" OF
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 11. THE SYSTEM SHALL BE INSTALLED WITH A MINIMUM OF 18" OF
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 12. THE SYSTEM SHALL BE INSTALLED WITH A MINIMUM OF 18" OF
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 13. THE SYSTEM SHALL BE INSTALLED WITH A MINIMUM OF 18" OF
 COVER.
 14. THE SYSTEM SHALL BE INSTALLED WITH A MINIMUM OF 18" OF
 COVER.
 15. THE SYSTEM SHALL BE INSTALLED WITH A MINIMUM OF 18" OF
 COVER.



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SEWAGE DISPOSAL SYSTEM
 LOT: 30, MAP: 1.3, 224 NEWMARKET ROAD, WARNER
 OWNER: STEPHEN AND REBECCA AUGER
 224 NEWMARKET ROAD
 WARNER, NH 03278

SCALE: 1" = 20'
 DATE: JULY 24, 2024
 DESIGNER: BEAVER BROOK PLANNING AND DESIGN, LLC
 PO BOX 2772
 CANAAN, NEW HAMPSHIRE 03020
 603 - 436 - 3697

REVISIONS

REVISIONS

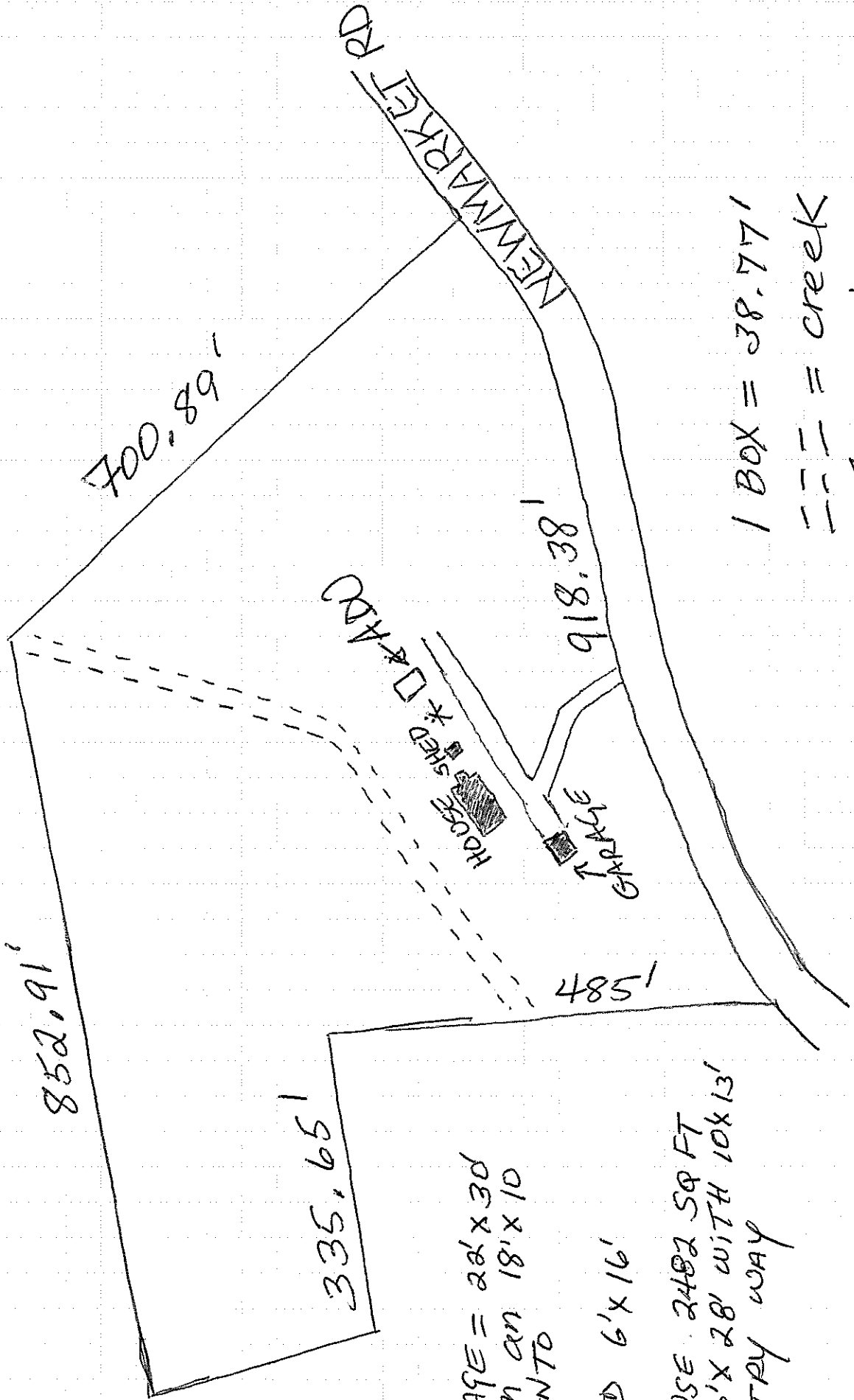
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224 NEWMARKET RD
 WARNER, NH 03278



1 BOX = 38.77'
 --- = creek
 □ = ADU
 * = GAZEBO

335.65'

- GARAGE = 28' x 30'
 WITH AN 18' x 10'
 LEANTO

- SHED 6' x 16'

- HOUSE 2482 SQ FT
 36' x 28' WITH 10 x 13'
 ENTRY WAY