

## 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).	✓	
	✓	If a <b>variance</b> is requested, a <b>referral</b> from the Select Board, the Planning Board or a <b>denial of a Building Permit</b> from the Building Department must be included with the application.		✓
✓		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.	✓	
✓		An attached copy of any order, notice of violations or other communications received from either the Select Board, the Planning Board or the Building Department that pertains to the property. (If applicable)	✓	
✓		<b>Plans shall include:</b> <ul style="list-style-type: none"> <li>Clearly indicate where the site is located (locus map) and what is proposed drawn to scale.</li> </ul>	✓	
✓		<ul style="list-style-type: none"> <li>Show for the "lot of record" the boundary lines with footage on all sides.</li> </ul>	✓	
✓		<ul style="list-style-type: none"> <li>A copy of the lot's deed (to verify Owner).</li> </ul>	✓	
✓		<ul style="list-style-type: none"> <li>Name of the road the lot has frontage on.</li> </ul>	✓	
✓		<ul style="list-style-type: none"> <li>Include all existing structures on the lot, clearly indicating their dimensions, distance from other structures and distance from abutting property line, drawn to scale.</li> </ul>	✓	
✓		<ul style="list-style-type: none"> <li>For a proposed structure, include all of the above and a floor plan with dimensions, (length, width, and height).</li> </ul>	✓	
✓		The applicant has <b>paid fees</b> (see application for specific fees). <b>Check</b> made out to the <b>Town of Warner</b> .		
✓		Application must be received 15 days prior to the next ZBA meeting.	✓	
✓		All property owners must sign the application.	✓	
✓		Authorization from Owner must be signed to designate someone to speak on behalf of the property owner(s). (If applicable)	✓	



# 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

Zoning Board of Adjustment

## APPLICATION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

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	*Newspaper Notification	\$60.00

Note on fees: Fees for publication of 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. Standard posting in newspaper \$60.00 for Intertown Record. Special Posting upon request by applicant \$300 for the Concord Monitor.

Applicant/Contact Person Information			
Name of Applicant: James McLennand			Date: 03/27/2023
Applicant Mailing Address: 225 Couchtown RD			
Town: Warner	State: NH	Zip: 03278	
Telephone Primary: 603-848-1706		Alternate:	
Owner of Property Information			
Name of Owner: Same as above			Date:
Owner Mailing Address:			
Town:	State:	Zip:	
Telephone Primary:		Alternate:	
Location and Description of Property			
Map #: 15	Lot #: 053-3	Zoning District: R3	
Address:			
<b>Details of Request:</b> 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 _____)			

The undersigned hereby requests an Equitable Waiver of Dimensional Requirements to the terms of:

**Article: VII** , **Section: C.,b.** of the Warner Zoning Ordinance


**The applicant must state in writing how the following pertains to the property. The applicant must be prepared to present the conditions at the Public Hearing. If you do not use the space provided refer to attached pages:**

<p><b>1. Does the request involve a dimensional requirement, not a use restriction? Circle one: Yes or No</b></p>
<p>Answer either 2.A., or 2.B and C.</p> <p>2. A. Explain how the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the town:</p>    <p><b>If (A) does not apply answer both (B) and (C):</b></p>
<p>B. Explain how the nonconformity was discovered after the structure was substantially complete or after a vacant lot in violation had been transferred to a bona fide purchaser:</p> <p>Nonconformity discovered after site visit from building inspector, due to complaint from neighbor. Upon arrival of the inspector for the complaint the foundation and main structure had been completed.</p>
<p>C. Explain how the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake:</p> <p>Due to existing structure and additional structure being on the top of knoll. The additional structure was placed in the current location to allow safe parking for vehicles that are not parked in the additional structure.</p>
<p>3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area:</p> <p>The location of the additional structure is set far enough off the road and not clearly visible from the direct adjoining neighbors.</p>
<p>4. Explain how the cost of correction far outweighs any public benefit to be gained:</p> <p>The current cost to move the structure would outweigh the effect of moving the structure within guidelines.</p>

**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): 

Date: 3/28/23

\_\_\_\_\_

Date: \_\_\_\_\_

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

Date: \_\_\_\_\_

JAMES MCLENNAN

Date: \_\_\_\_\_

Printed name of person(s) who signed above:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

For Zoning Board of Adjustment Use Only		
<b>Assigned Case #:</b>		
Date Received at Land Use Office: <u>3/28/23</u>		
Received by: <u>Jessie L. Rose</u>		
Fees Submitted:		
Amount: <u>\$150.00</u> Cash:	Check #: <u>1029</u>	Other:
Abutters' List Received: <span style="margin-left: 100px;"><input checked="" type="radio"/> Yes</span> <span style="margin-left: 100px;"><input type="radio"/> No</span>		
Date of Review: <u>4/12/23</u>	Date of Hearing: <u>4/12/23</u>	Date Approved:

**All costs of mailing by certified mail, fees, and legal advertisement must be paid by applicant before the hearing may begin.**

## Town of Warner Zoning Board of Adjustment Abutter(s) List

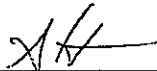
Please list all abutters **within 200 feet** of the boundaries of the property. Applicant must reference and follow stipulations in the Abutter(s) List Instructions on page 3, item numbers 10.a. through 10.d. of the Application Instructions.

Map# 15	Name: Robert & Cheryl Gibbons
Lot# 53-2	Address: 247 Couchtown RD Warner, NH 03278
Map#15	Name: Neil & Linda Dymont
Lot# 56-1	Address: 207 Couchtown RD Warner, NH 03278
Map# 15	Name: Richard Morgan
Lot# 55	Address: 214 Couchtown RD Warner, NH 03278
Map# 15	Name: Nathan Brown
Lot# 53-1	Address: 164 Mason Hill RD Warner, NH 03278
Map# 15	Name: Tom Pendergast
Lot# 54	Address: 517 Prescott St Herkimer, NY 13350
Map	Name:
Lot	Address:
Map	Name:
Lot	Address:
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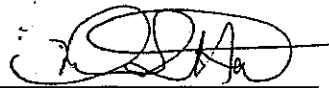
**Consent to Sale of Real Estate**

I, Christopher Stephen Hart, heir of the Estate of Stephen H. Hart, hereby consent to the sale of the property at 225 Couchtown Road, Warner, Merrimack County, New Hampshire, to James McLennand for the sum of \$180,000.00.

Dated October 20, 2008.



\_\_\_\_\_  
Witness



\_\_\_\_\_  
Christopher Stephen Hart

MERRIMACK COUNTY RECORDS

*Kathie L. Gray*, CPO, Register

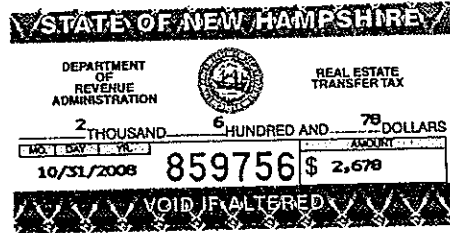
Meaning and intending to describe the same premises conveyed to Stephen H. Hart by deed dated April 5, 1996 and recorded in the Merrimack County Registry of Deeds at Book 2017, Page 1645. Stephen H. Hart died on July 12, 2008. See Merrimack County Probate Court Docket Number 2008-673. Christopher S. Hart was appointed Executor of the Estate of Stephen H. Hart as on file with the Merrimack County Probate Court.

Executed this 30 day of October, 2008.

Estate of Stephen H. Hart



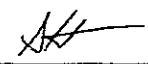
By: Christopher S. Hart, Executor



STATE OF NEW HAMPSHIRE  
COUNTY OF MERRIMACK

October 30, 2008

Personally appeared the above-named Christopher S. Hart, Executor on behalf of Estate of Stephen H. Hart known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained in his aforesaid capacity.

Before me,  Notary Public/Justice of the Peace

My Commission expires: 11/10/09



\_\_\_\_\_  
Initials

After Recording Return To:  
James McLennand  
25 Couchtown Rd.  
Warner, NH  
03278  
08-CN-01745

MCRD Book 3094 Page 1359



[Space Above This Line For Recording Data]

1842  
2-30  
25-

**FIDUCIARY DEED**

2678.00

**KNOW ALL MEN BY THESE PRESENTS**, that I, **Christopher S. Hart**, Executor, of the Estate of **Stephen H. Hart**, with a mailing address of 404 East Meadow Lane, Pembroke, NH 03275 by powers conferred by the Merrimack County Probate Court, for consideration paid, grants to **James McLennand**, single, with a mailing address of 24 Sansone Lane, Warner, NH 03278:

A certain tract or parcel of land, with any buildings or improvements thereon, situated in the town of Warner, the County of Merrimack, and State of New Hampshire, and shown as Lot 3 on a plan entitled, "Subdivision and Annexation Plan, Property of Fran Brown", dated April 1984, prepared by Jeffrey A. Evans, Land Consultant, South Sutton, New Hampshire 03273 and recorded in the Merrimack County Registry of Deeds as Plan #7923, to which Plan reference is made for a more particular description.

Containing five (5.0) acres, more or less, according to said Plan.

Subject to any and all matters, including setbacks if any, as shown on Plan No. 7923 recorded in the Merrimack County Registry of Deeds.

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

Subject to the restriction that there shall be no mobile homes placed on or allowed to remain on the foregoing premises.



LT2-3094-1359-3



LT1-2-721455-1

CH  
Initials



Permit #: 2022- 83

BOARD OF SELECTMEN  
OF THE  
TOWN OF WARNER, NH  
PERMIT TO BUILD



Date: 11-9-22

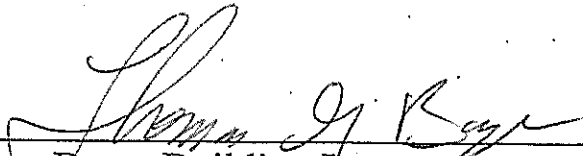
This certifies that James McLennard has permission to build.

Physical Address: 225 Couchtown Rd

Map 15 Lot 053-3

Purpose of Building Adding New 120 SF Mudroom + 2 car  
1536 SF attached garage

Provided that the person accepting this permit shall in every respect conform to the terms of the application on file in this office, and the provisions of Building Code of the Town of Warner.

  
Tom Baye, Building Inspector  
(603) 848-5750

TO BE POSTED IN FULL VIEW AT BUILDING SITE  
Permission is valid for 24 months from date of issue.



# TOWN OF WARNER

PO Box 265 5 E Main St  
Warner, New Hampshire 03278-0265  
Telephone: (603) 456-2298 Fax: (603) 456-2297  
warnernh.gov

Select Board  
Sam Bower, Chair  
Christine Frost  
Lois Shea  
selectboard@warnernh.gov  
Town Administrator Diane Ricciardelli  
administrator@warnernh.gov

## NON-COMPLIANCE NOTICE

Date: January 27, 2023

To: James McLennard  
225 Couchtown Road  
Warner NH 03278

Project: Building Permit 2022-83  
Garage and mud room

Contractor or Subcontractor on record: Lakeside

You are hereby notified that:

inspection indicates the garage may not conform to the zoning specification requirements for the Town of Warner.

The specification violated: Article VII, paragraph C, 1b.

Under the provision of the Town of Warner Zoning Ordinance the setback requirements in the R3 zone from an abutter is 40-feet and is stated in the Zoning Set Back Reference Chart included in the Building Application packet.

It shall be your responsibility to provide clear documentation of compliance; determine the corrective action necessary; discontinue operations until additional investigations confirm or refute the initial findings.

Non-complying work may be required to be removed at your cost.

Your response is required by: Monday, February 6, 2023

Sincerely,

On behalf of the Warner Select Board,  
Samuel Bower, Chair  
Christine Frost  
Lois Shea

Judith A. Newman-Rogers,  
Building Department

Table 2. Table of Dimensional Requirements

Use	District	
	Residential, Retail Village & Agricultural	Village Center Overlay
Minimum Lot Size-Acres	2	30,000 SF <sup>2</sup>
Frontage-Feet	200	75
Setbacks-Feet		
• Front Yard	75	75 State- 50 Town
• Side Yard	35	15
• Rear Yard	35	15
Height <sup>3</sup>	35	35
Lot Cover (impervious)	n/a	50%
Parking <sup>4</sup>	n/a	One space per dwelling unit

## Notes for Table 2:

1. The Planning Board may authorize variations from the above standards, except for any requirement provided by state regulation or mandated elsewhere in this ordinance, by up to 25 percent by a Conditional Use Permit issued pursuant to Section E for the purpose of providing flexibility in the design of the project to meet the objectives of this section.

2. Minimum lot size will depend on compliance with the provisions found in the DES "Subdivision and Individual Sewage Disposal System Design Rules, Chapter Env-Wq 1000", as amended and may be satisfied through the use of an off-site system that is specified through an easement and agreement between the owner/applicant for the proposed activity and the owner of the site on which the system is to be constructed. If NH DES determines that the lot size is greater than 30,000 sf, then that will be a permitted lot.

3. Consistent with provisions of Article IV, General Provisions, Section C.

4. Consistent with provisions of Article IV, General Provisions, Section D.

# APPENDIX 1: CHART OF ZONING CHANGES

Changes in Zoning Ordinance Setbacks, Lot Size, Frontage, etc.

	3/8/66	5/6/73	3/11/87	3/14/90	3/12/13
<b>FRONTAGE</b>					
<u>Residential</u>	100'	150'	250'		no change
<i>*See note regarding use of construction trailers &amp; travel trailers</i>					
<u>Rural-Agricultural</u>	150'	200'	no change	no change	no change
<i>Note: Lake Shore parcels also require 150' on the water</i>					
<b>SETBACK, SIDE</b>					
<i>Note: Buildings shall be setback 75' from normal high water mark, wetlands.</i>					
<u>Residential</u>					
Abutter's	15'	no change	no change	no change	no change
Right of Way	30'	no change	no change	no change	no change
<u>Rural-Agricultural</u>					
<i>Note: Buildings shall be setback 75' from normal high water mark, wetlands.</i>					
Abutter's	15'	25'	no change	no change	no change
Right of Way	30'	50'	no change	no change	no change
<b>LOT SIZE</b>					
<u>Residential</u>	20,000	1 acre	2 acres	no change	no change
<u>Rural-Agricultural</u>	40,000	2 acres	no change	no change	no change
<b>SET BACK, ROAD BUILDING LINES</b>					
<u>Residential</u>	46.5' from Center Line of any street or right-of-way 2 rods wide 55' from Center Line of any Town or State road 3 rods wide 63' from Center Line of any Town or State road 4 rods wide				
<u>Rural-Agricultural</u>	66.5' from Center Line of any street or right-of-way 2 rods wide 75' from Center Line of any State or Town road 3 rods wide 83' from Center Line of any State or Town road 4 rods wide				
<u>Residential and Rural-Agricultural</u>	For Wetlands setbacks refer to Wetlands Overlay District - Article X for Minimum Lot Area refer to Article IV.C.2 and Article V.C.2				
<i>*Temporary use of construction trailers &amp; travel trailers: subject to set-back building lines of Rural-Agricultural- District (Article III.I of the Zoning Ordinance) and required to be at least 50' from water. Refer to Wetlands Overlay District for Wetlands Setbacks</i>					

## APPENDIX 2: ZONING DISTRICTS MAP

floor plan to the Zoning Board of Adjustment, in accordance with that Board's procedures.

6. **Seasonal Dwelling.** A dwelling consisting of less than 800 square feet may be permitted by special exception provided that:

- A. It shall be used for recreational purposes such as hunting or camping only and not as a residence.
- B. It shall be inhabited no more than 90 days in a calendar year.
- C. It shall comply with all applicable setbacks and lot size requirements.
- D. It shall meet all relevant life safety and sanitary codes.
- E. A permit shall only be issued to the owner of the lot.

7. **Recreational Vehicles.** A number of stored large recreational vehicles (RVs) greater than allowed on a residential lot by Article III, Section 6-B of this ordinance may be permitted by special exception, provided that:

- A. The proposed locations and use of all such large RVs comply with setback requirements, all other provisions of this *Ordinance*, and all applicable State regulations.
- B. All such RVs are located and/or screened from view by abutters and passersby to the extent that the character of the neighborhood and the values of abutting properties are not adversely affected.

8. **Setbacks.**

- A. Any non-commercial building or new addition thereto, may as a special exception, be approved to within twenty-five (25) feet of a property line upon finding of no detriment to the neighborhood.
- B. Accessory structures such as storage sheds and gazebos, but excluding automobile garages may be approved to within twenty (20) feet of a river, brook, lake, or pond provided:
  - 1. The location and construction of the structure is consistent with the intent of the State requirement to maintain a vegetated buffer;
  - 2. The structure is required as a shelter for humans, equipment, or firewood;
  - 3. The structure is usually customary and incidental to a legally authorized use within the shoreline district.

9. **Personal Wireless Service Facilities (PWSF)**

This is printed in a separate booklet.

## **Article III GENERAL PROVISIONS**

### **A. Prohibited Uses:**

Any use that may be obnoxious or injurious by reason of production or emission of odor, dust, smoke, radioactivity, refuse matter, fumes, noises, vibration or similar conditions, or that is dangerous to the health or safety of the community is prohibited. Enforcement shall be in accordance with Article X of this ordinance.

### **B. Mining or Excavation:**

1. Before mining, excavation or removal of soil, rock, sand, gravel or similar is allowed, the owner of said property upon which the mining, excavation, or removal is to take place shall apply for a permit pursuant to RSA 155-E:3. The Planning Board shall apply the provisions of Chapter 155-E of the Revised Statutes Annotated and any amendments thereto to determine whether a permit is required, whether the intended mining, excavation, or removal is prohibited and if not, will proceed to conduct the necessary hearings pursuant to RSA 155-E to determine whether the granting of the permit is appropriate. The Board shall require the applicant to confirm to all the zoning provisions required in the particular zoning district in which the activity is to take place, to also post a bond in an amount to be determined by the Board to ensure compliance with RSA 155-E and further requirements imposed by the Board.
2. Alteration. Any future enlargement of the commercial use or alteration of use can be made only with the approval of the Board of Adjustment by special exception.
3. Expiration. A permit shall be deemed to authorize only one particular use and shall expire if the use shall cease for more than one year for any reason.

### **C. Fire or Other Ruins:**

No owner or occupant of a lot in any district shall permit fire or other ruins to remain. Within one (1) year of the event causing the ruins, the owner or occupant shall remove or refill the same to clear ground level or shall repair, rebuild, or replace the building.

### **D. Minimum Setbacks and Height Regulations:**

The following shall be observed in the construction of new buildings or in the relocation or modification of existing ones:

1. Minimum distance between any building and the edge of a public right-of-way or an accepted public road shall be fifty (50) feet.
2. By special exception, the front yard setback may be the average of the depth of existing buildings on either side of the lot in question.
3. Minimum distance from any building to an abutter's property line shall be thirty (30) feet.
4. Minimum distance from the shoreline, as determined by the natural high-water mark, to any building shall be 75 feet.
5. Maximum height of any building shall be thirty-five (35) feet with the determination being the vertical distance from the average finished grade surrounding the building to a point midway between the highest and lowest points of the highest roof. Silos, barns and church towers are the exceptions.



**Town of Henniker**

18 Depot Hill Road  
Henniker, NH 03242  
Phone (603) 428-3221 / Fax (603) 428-4366  
www.henniker.org

## **Town of Henniker Permit Policy Application Information Package**

**IMPORTANT: Any construction started without a permit is subject to a fine of \$50.**

The purpose of this building permit policy is to provide a uniform procedure throughout the Town for review of submissions and issuance of the building permits. Review of the building permits shall be in accordance with the following principals:

- Provide maximum safety and protection for all residents of the Town of Henniker,
- Minimize conflict points,
- Monitor the design and construction of all commercial buildings to ensure the safety of all public persons,
- To ensure that all applicants follow the town's zoning setback requirements.

### **Completed Application**

In order to make the best use of your time and staff time, please complete the application and attach **all** required information.

### **Application Review**

Staff will review the application for completeness and then will be passed on to the Building Inspector who will review and process. It can take anywhere from 10-15 days for a building permit to be issued but we try to issue as soon as possible.

### **Signature Required**

The property owner is required to sign the any permit application. If the property owner would like a contractor or agent to represent him/her through the process, the property owner must sign an authorization letter authorizing the contractor/agent. If the property was purchased in the last 30 days, a copy of the deed must be submitted with the application.

### **Application Filing Requirements**

Building Permit Application must be accompanied by:

1. A plot plan drawing of the site. You may use a copy of the tax map to prepare this drawing; however, the tax map is not a surveyed plan and should only be used as a reference. On the plot plan drawing, include all property lines, setback distances, existing and proposed buildings, driveways and site features.

The following are the town's zoning setback requirements:

- No building shall be constructed within thirty (30') feet of a public right of way.
- No building shall be constructed within fifteen (15') feet of side and back lot boundaries.
- No building shall be constructed more than three (3) stories above grade level.

**Driveways:** 10' from side boundaries

**Septic:** 75' from wetlands

**Pools:** 35' from septic

10' from boundaries

2. A complete set of building plans or floor plans showing all interior changes, dimensions and square footage of each floor.

**SECTION IV  
DIMENSIONAL AND DENSITY REQUIREMENTS**

**4.1 GENERAL REQUIREMENTS** No building or structure shall be erected, enlarged or moved nor shall any use be authorized or extended nor shall any existing lot be changed as to size except in accordance with the Table of Dimensional Requirements, Section 4.2, or in accordance with Section VIII for subdivisions of land for residential uses, as applicable, unless modified elsewhere in this Ordinance.

**4.2 TABLE OF DIMENSIONAL REQUIREMENTS** The TABLE OF DIMENSIONAL REQUIREMENTS shall apply for all lots, uses of land, and developments within the various districts, except for subdivisions of land for residential uses subject to the provisions specified in Section VIII, unless modified by other Sections of this Ordinance.

TABLE OF DIMENSIONAL REQUIREMENTS									
Districts	Minimum Lot Dimensions <sup>a</sup>			Minimum Setback Dimensions <sup>a</sup> (ft)			Max. Height of Structure	Max. % Bldg. Cvge/Lot	Min.% Open Space/Lot
	Area (sf)	Continuous Frontage <sup>g</sup>	Depth	Front	Side	Rear			
R-4 <sup>b</sup>	120,000	300	200	60	30	60	35	20	70
R-3 <sup>b</sup>	120,000	300	200	60	30	60	35	20	70
R-2 <sup>b</sup>	80,000 <sup>d</sup>	250	140	40	20	40	35	30	30
R-1 <sup>b</sup>	60,000 <sup>e</sup>	160	120	30	15	40	35	30	30
R-1 (other than residential)	15,000	100	100	25	15	40	35	30	50
B-1 <sup>c k</sup>	15,000 <sup>f</sup>	80	80	30	15	40	35	40	30
M-1 <sup>c k</sup>	110,000	250	300	50	40 <sup>h</sup>	50	45	40	30
VR-1 <sup>j</sup>	15,000 <sup>i</sup>	80	80	30	15	40	35	40	30
VB-1 <sup>l</sup>	7,500 <sup>i</sup>	50	100	0	10	10	35	60	20
VM-1 <sup>j l</sup>	55,000	150	200	25	25	25	35	50	30

See Explanatory Notes in Section 4.3 for footnoted items.

**4.3 EXPLANATORY NOTES** The following explanatory notes shall provide further definitions for the footnoted items in Table 4.2.

- (a) All measurements are in feet unless otherwise noted.
- (b) These dimensions shall not apply to Conservation Subdivisions. See Section VIII, Conservation Subdivisions, for applicable dimensional requirements.
- (c) When the footnoted commercial or industrial uses abut residential uses or a residential district, the minimum front and rear setbacks shall be 100 feet from and the side setback shall be 50 feet from a property line abutting a residential use or district.
- (d) 80,000 sq. ft. + 16,000 sq. ft. for each dwelling unit more than one on a lot.
- (e) 60,000 sq. ft. + 8,000 sq. ft. for each dwelling unit more than one on a lot.





## 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.us](mailto:landuse@warnernh.us)

### Land Use Administration

March 14, 2023

James McLennand  
225 Couchtown Road  
Warner, NH 03278

Hello James,

This letter is in reference to a non-conforming garage on your property at 225 Couchtown Road, Map 15, Lot 053-3, in the R-3 District in Warner.

The Building Department of Warner determined the newly constructed garage is encroaching on the 40-foot setback requirement from the abutter's property line. A variance from the Zoning Board of Adjustment was not obtained prior to construction. Therefore, as a condition of your cease-and-desist letter from the Select Board you must file an appeal/application with the ZBA.

I spoke with your contractor, David, from Lake Side Builders. I gave him the necessary forms to forward to you and have not received an application.

Since the building has already been built the proper application to submit to the ZBA is an **Equitable Waiver of Dimensional Requirements**. I have attached this form, please complete and return it to the Land Use office by the **March 28<sup>th</sup> deadline**. The next ZBA meeting is April 12<sup>th</sup> at 7:00 PM in the Lower Town Meeting Room, you cannot appear before them without a completed application.

Instructions are included in the application. If you have questions or need help filling out the application, please call and make an appointment and I can step you through the process.

Thank you and I look forward to receiving your application.

Janice L. Loz

Land Use Administration  
[landuse@warnernh.gov](mailto:landuse@warnernh.gov)  
603.456.2298 X: 7

**Copy:** [jamesmclennand@hotmail.com](mailto:jamesmclennand@hotmail.com) (on March 13, 2023)  
Town Administrator  
Select Board

**Attachment:** Equitable Waiver of Dimensional Requirements Application

## 225 Couchtown Road non-conforming garage - McLennand

Janice Loz - Landuse <landuse@warnernh.gov>

Mon 3/13/2023 2:47 PM

To: jamesmclennand@hotmail.com <jamesmclennand@hotmail.com>

Cc: Diane Ricciardelli - Town Administrator <administrator@warnernh.gov>; Judy Newman-Rogers - Selectboard Admin <selectboard@warnernh.gov>

 1 attachments (287 KB)

Warner ZBA Equitable Waiver Application and General Instructions.pdf;

Hello James,

Hello, my name is Janice I work in the Town Hall in the Land Use office. This message is in reference to a non-conforming garage on your property on 225 Couchtown Road in Warner.

Apparently, you built a garage which is encroaching on the abutter's property line and did not seek a variance from the Zoning Board of Adjustment prior to construction. A condition of your cease-and-desist letter from the Select Board was that you file an appeal/application to ZBA for a public hearing. I spoke with your contractor, David, from Lake Side Builders. He inquired as to forms necessary for a hearing with the ZBA. I gave him the proper forms to forward to you and have not received an application.

Since the building has already been built the proper application to submit to the ZBA is an **Equitable Waiver of Dimensional Requirements**. I have attached this form, please complete and return it to the Land Use office by the **March 28<sup>th</sup> deadline**. The next ZBA meeting is April 12<sup>th</sup> at 7:00 PM in the Lower Town Meeting Room, you cannot appear before them without a completed application.

Instructions are included in the application. If you have questions or need help filling out the application, please call and make an appointment and I can step you through the process.

Thank you so much and I look forward to receiving an application.

Janice

Warner Land Use Office  
603.456.2298 X: 7

**Fwd: 225 Couchtown Road**

davidlakesidenh@gmail.com <davidlakesidenh@gmail.com>

Thu 3/9/2023 7:38 PM

To: James McLennand <jamesmclennand@hotmail.com>

Begin forwarded message:

**From:** Janice Loz - Landuse <landuse@warnernh.gov>

**Date:** March 9, 2023 at 5:20:43 PM EST

**To:** davidlakesidenh@gmail.com

**Subject: Re: 225 Couchtown Road**

Hi David,

Do you have an email address for James McLennand at 225 Couchtown Road in Warner?

He was supposed to fill out a variance application or an equitable waiver application to appear before the Zoning Board of Adjustment in Warner. We have not received any application from him. I was wondering if you have an email for him.

Thank you.

Janice

Warner Land Use Office

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**From:** Janice Loz - Landuse <landuse@warnernh.gov>

**Sent:** Wednesday, February 8, 2023 3:51 PM

**To:** davidlakesidenh@gmail.com <davidlakesidenh@gmail.com>

**Subject:** 225 Couchtown Road

Hi David,

I was thinking about the conversation we had about the property of James McLennand at 225 Couchtown Road in Warner. I had given you a Variance application for James to complete.

In the meantime, I came across an application for the Zoning Board which isn't utilized much. It is called an Equitable Waiver and it is for a structure which may have been built in violation of dimensional requirements such as setbacks. It may be useful, or he can continue with the Variance application whichever suits his needs. Here is a link to the application if you could forward it to the homeowner, I do not have his email.

[https://warner.nh.us/tow/downloads/zoning/ZBA\\_EquitableWaiver\\_General\\_Instructions.pdf](https://warner.nh.us/tow/downloads/zoning/ZBA_EquitableWaiver_General_Instructions.pdf)

**Fwd: 225 Couchtown Road**

davidlakesidenh@gmail.com <davidlakesidenh@gmail.com>

Wed 2/8/2023 4:29 PM

To: James McLennand <jamesmclennand@hotmail.com>

Begin forwarded message:

**From:** Janice Loz - Landuse <landuse@warnernh.gov>

**Date:** February 8, 2023 at 3:51:27 PM EST

**To:** davidlakesidenh@gmail.com

**Subject: 225 Couchtown Road**

Hi David,

I was thinking about the conversation we had about the property of James McLennand at 225 Couchtown Road in Warner. I had given you a Variance application for James to complete.

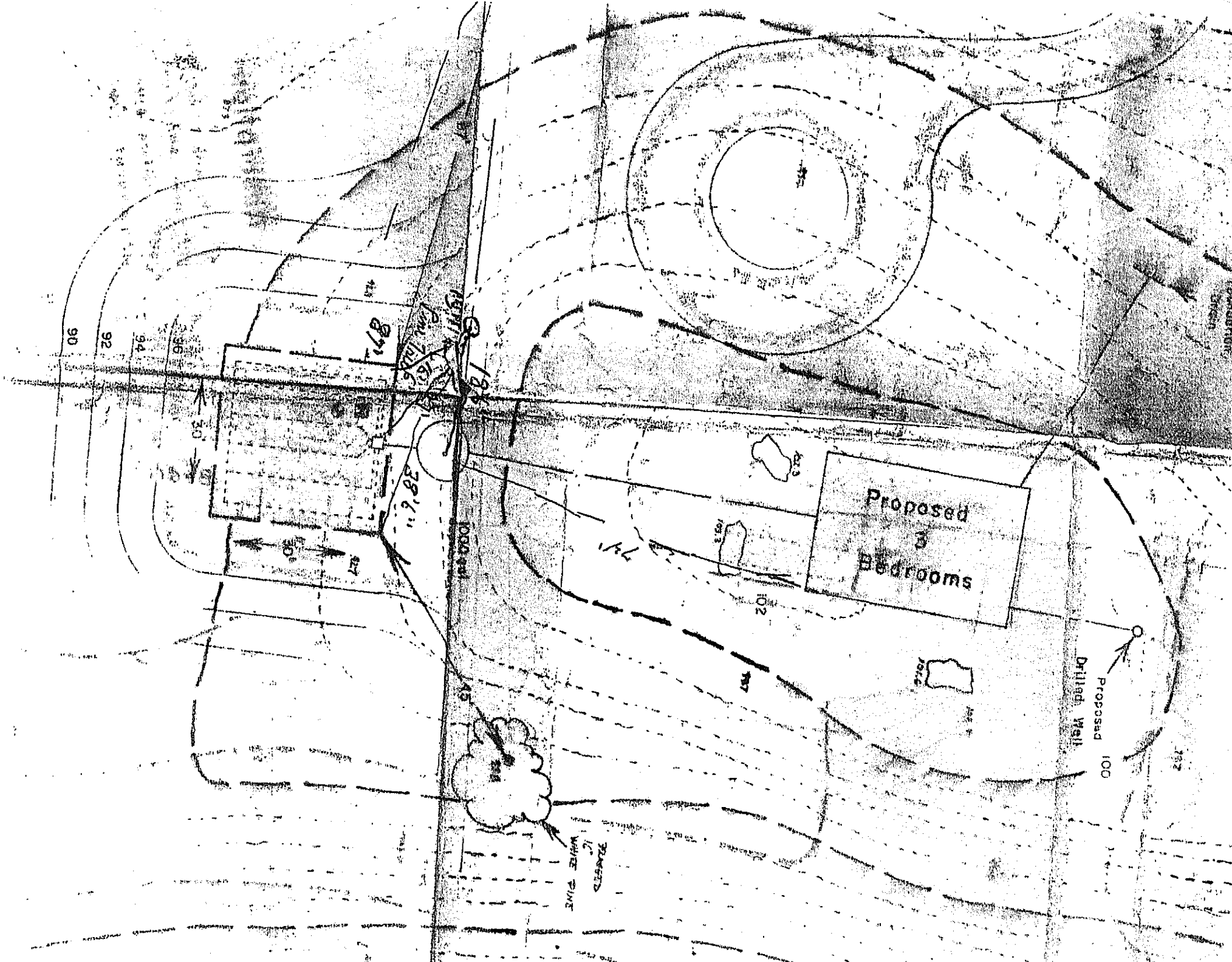
In the meantime, I came across an application for the Zoning Board which isn't utilized much. It is called an Equitable Waiver and it is for a structure which may have been built in violation of dimensional requirements such as setbacks. It may be useful, or he can continue with the Variance application whichever suits his needs. Here is a link to the application if you could forward it to the homeowner, I do not have his email.

[https://warner.nh.us/tow/downloads/zoning/ZBA\\_EquitableWaiver\\_General\\_Instructions.pdf](https://warner.nh.us/tow/downloads/zoning/ZBA_EquitableWaiver_General_Instructions.pdf)

Thank you.

Janice

Warner Land Use Office



Proposed  
3  
Bedrooms

Proposed  
100  
Drilled Well

9.88

100.00

PROPOSED  
1/2"  
WHITE SILT

90

92

94

96

98

100

102

104

106

108

110

112

114

116

118

120

122

124

126

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CONSTRUCTION  
UNION