



TOWN OF WARNER

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

Wednesday January 17, 2024
Town Hall Lower Meeting Room
6:30 PM

Join Zoom Meeting: <https://us02web.zoom.us/j/87061407427> Meeting ID: 870 6140 7427 Passcode: 1234

I. OPEN MEETING and ROLL CALL

II. APPROVAL OF MINUTES – September 11, 2023 and November 6, 2023

III. PUBLIC COMMENT

IV. NEW BUSINESS

A. Conceptual Consultation Application

Applicant: MainStreet Warner, LLC.

Owners: MainStreet Warner, LLC.

Agent: Amy Manzelli and Mike Harris, BCM Environmental & Land Law

Address: 17 Church Street, PO Box 130, Warner, NH 03278

Map/Lot: Map 31, Lot 053

District: B1

Description: Renovate Harris Masonic Lodge at 17 Church Street to be a community building for all ages for arts, education, food security and to provide a space for visual and performing arts.

V. UNFINISHED BUSINESS

A. Discuss Zoning Ordinance Amendments

1. Review Article XV. A & B. Non-conforming Use. Expanding definition to possibly include:
 - a. Generic definition of what is, “non-conforming.”
 - b. Define regulation for non-conforming use.
 - c. Define regulation for non-conforming structure.
 - d. Define regulation for non-conforming lot.

2. Review language in Articles VI, VII, VIII, IX, C. Frontage, lot and yard requirements: 1. “Lots created by Minor Subdivision”. The town lawyer asked why only lots created by minor subdivisions are subject to setback requirements for those districts.

B. Revisions to Development Applications and Regulations – Site Plan Application and Regulations (The board has concluded the first and second reading).

C. Start review of Subdivision application and Checklist

[Subdivision](#), [Site Plan Regulations](#), [Site Plan Review](#), [Voluntary Merger](#), [Driveway](#), [Home Occupation](#), [Lot Line Adjustment](#)

VI. COMMUNICATIONS

VII. PUBLIC COMMENT

VIII. ADJOURN

Note: Planning 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.

All interested parties are invited to attend.

Public correspondence must be received by Noon on the day of the meeting.

***Note:** Article III, defines a non-conforming use.

ARTICLE III, Definitions

"Non-Conforming Use" means a use of any building, structure or land, which does not conform to the use regulations of the district in which such use exists at the time of enactment of this ordinance or any of its amendments.

2024 proposed changes to Warner Zoning Ordinance

ARTICLE XV **Non-Conforming Use**

~~A. When a non-conforming use (existing) of land or buildings has been discontinued for a year, the land or buildings shall be used thereafter only in conformity to this ordinance.~~

~~B. A non-conforming lot may be built upon, for residential purposes only, if, at the time of the enactment of this Ordinance (or any amendment thereto if it is such amendment that renders the lot non-conforming), (a) the owner or owners of the lot owned no contiguous land, and (b) it has a frontage of at least fifty (50) feet, and (c) the lot is able to sustain a state approved waste disposal system or connect to municipal sewage.~~

A. Non-Conforming Lots:

1. Any lot with less buildable area or frontage than required in the district, which is lawfully established, recorded, and taxed as a Lot of Record before the enactment or amendment of this ordinance, shall be deemed a non-conforming lot.
2. Such lots may only be built on, for residential purposes, if (a) the owner of the lot owned no contiguous land, (b) it has at least 80% of the required frontage for the district, (c) the lot is able to sustain a state approved waste disposal system or connect to municipal sewage and (d) any proposed construction is able to meet the district's applicable setback requirements.

B. Non-Conforming Structures:

1. Non-conforming structures may be altered, expanded, repaired, or replaced provided that it does not become more non-conforming within the terms of this ordinance and provided that all other standards of the district are met.

C. Non-Conforming Uses:

1. Any use that was established before the enactment or amendment of this ordinance shall be deemed a non-conforming use.
2. When a non-conforming use of land or structures has been discontinued for one year, then the land or structures shall be used thereafter only in conformity with this ordinance.
3. A non-conforming use shall not be changed to another non-conforming use. A non-conforming use shall not be expanded.
4. If a non-conforming use is superseded by a conforming use, then it shall thereafter conform to Table 1 of this ordinance, and the non-conforming use may not thereafter be resumed.
5. Nothing herein shall prevent the restoration, reconstruction, and/or replacement within 3 years of a structure containing a non-conforming use destroyed in whole or in part by fire or other natural disaster so long as this use does not result in a new or expanded non-conforming use.