



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 AGENDA

Wednesday, August 14, 2024
Town Hall Lower Meeting Room
7:00 PM

Join Zoom Meeting: <https://us02web.zoom.us/j/84102051310> Meeting ID: 841 0205 1310 Passcode: 1234

I. OPEN MEETING and ROLL CALL

II. NEW BUSINESS

A. 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 no greater than 75 feet between an accessory dwelling and the primary dwelling unit.

III. UNFINISHED BUSINESS

A. Continue discussion on ZBA Application General Instructions. [Variance](#), [Special Exception](#), [Equitable Waiver](#), [Appeal from an Administrative Decision](#).

IV. REVIEW OF MINUTES OF PREVIOUS MEETING – July 10, 2024

V. COMMUNICATIONS AND MISCELLANEOUS

VI. ADJOURNMENT

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.

All interested parties are invited to attend. Correspondence must be received by Noon on the day of the meeting.

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 LU 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 infra-structure.

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 J. Augeri
Stephen L. Augeri

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

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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

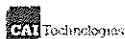
Mailing Address: DOERR, KEVIN
235 NEWMARKET ROAD
WARNER, NH 03278

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	AMOUNT
08	22	2013	\$ 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.

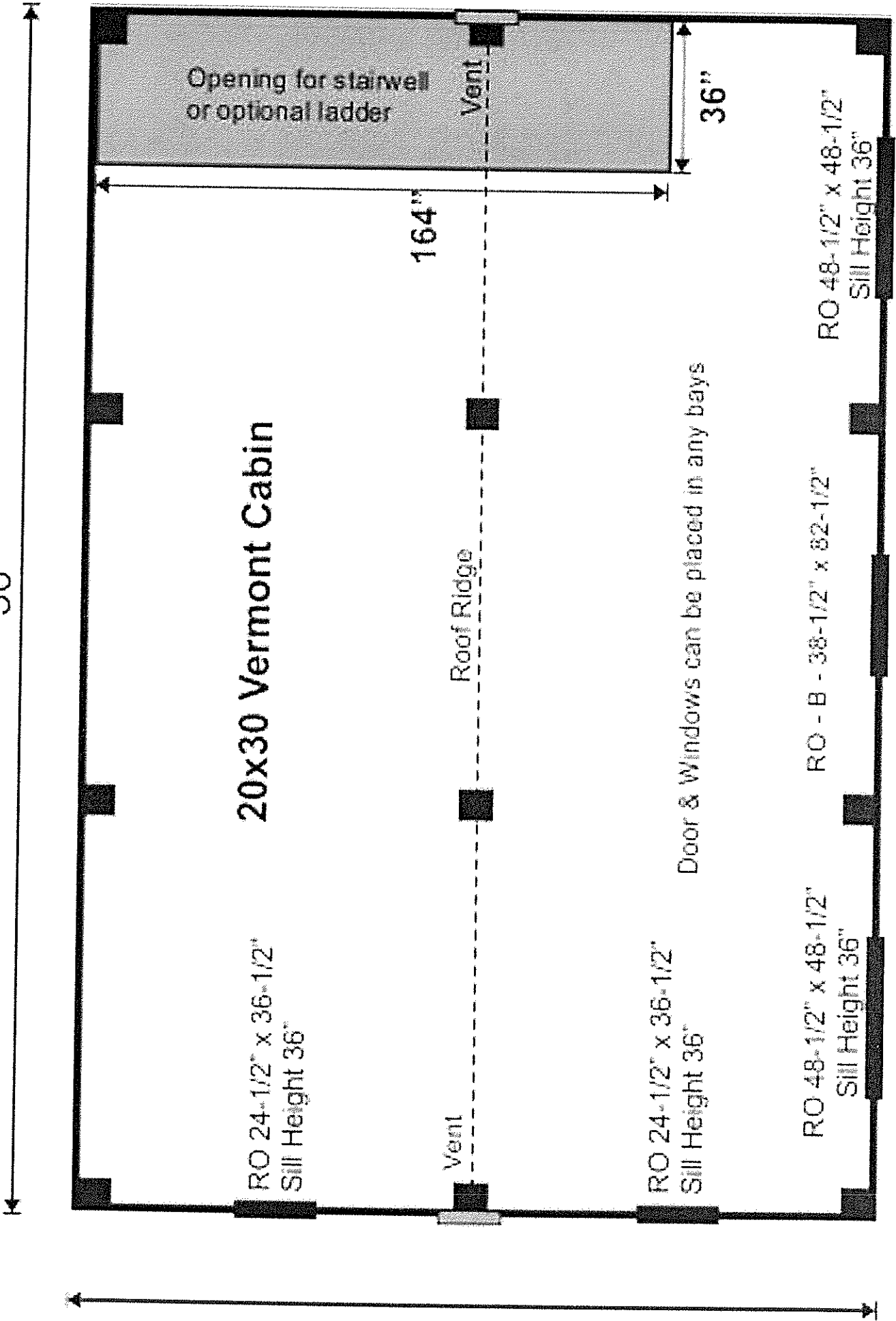


Ces 188
Notary Public/Justice of the Peace
My Commission Expires: 02/06/18

MERRIMACK COUNTY RECORDS

Karen L. Gray, CPO, Register

30'



Opening for stairwell
or optional ladder

Vent

36"

164"

20x30 Vermont Cabin

Vent

Roof Ridge

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

Door & Windows can be placed in any bays

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

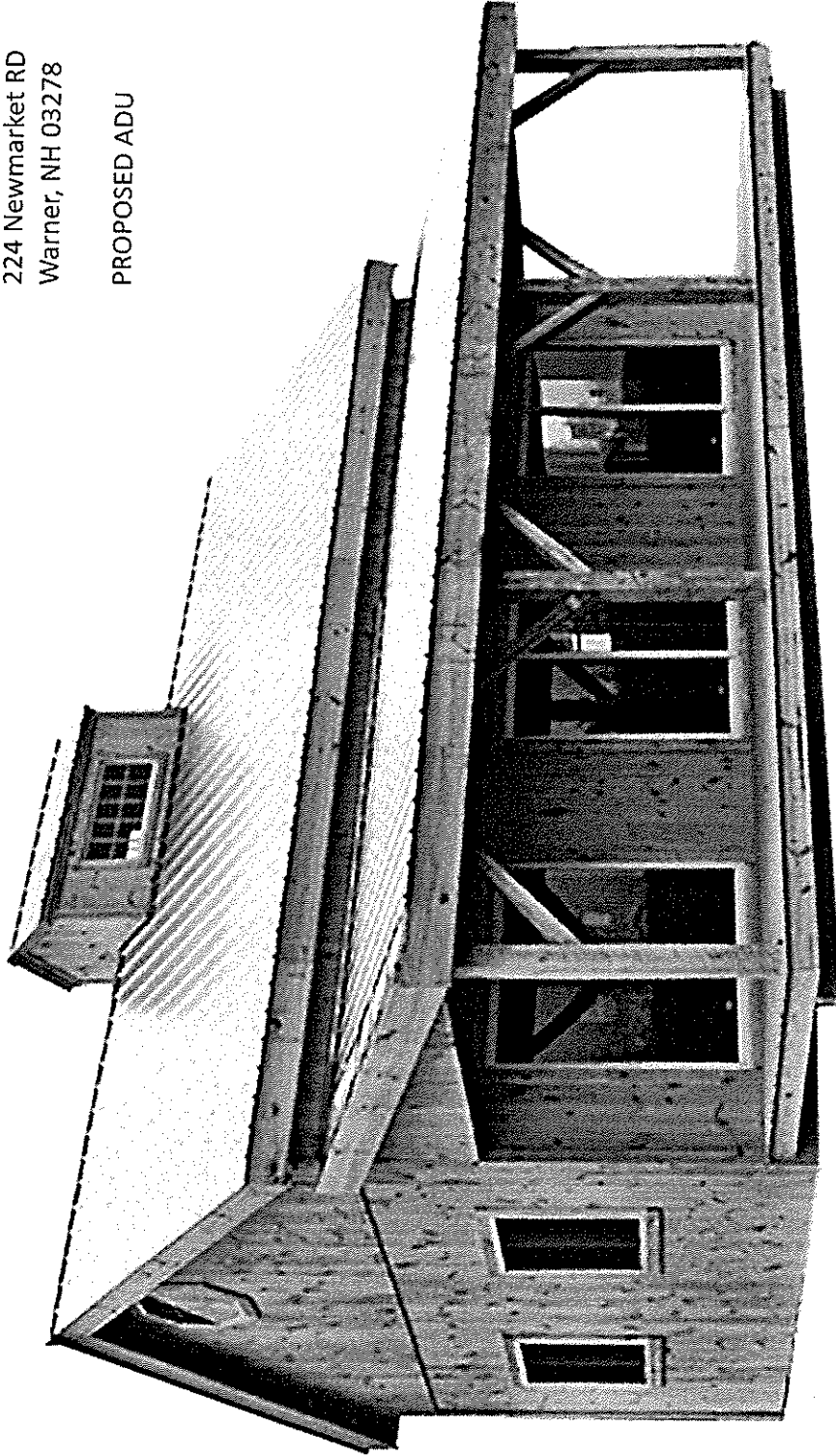
RO - B - 38-1/2" x 82-1/2"

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

20'

224 Newmarket RD
Warner, NH 03278

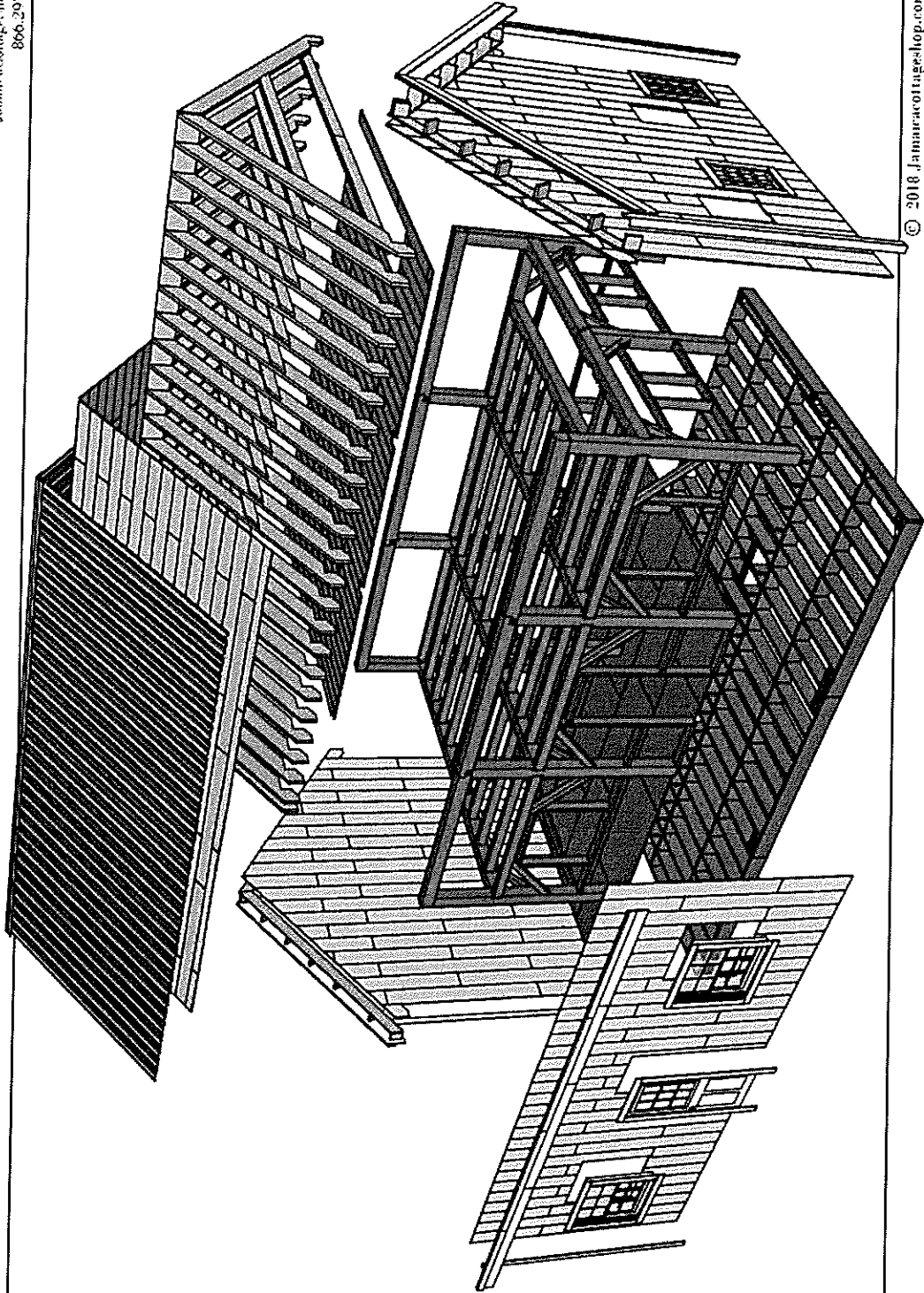
PROPOSED ADU





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	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1.00	ENVIROSEPTIC SYSTEM	1	LOT	100.00	100.00
2.00	CONCRETE TANK	1	LOT	100.00	100.00
3.00	CONCRETE TANK	1	LOT	100.00	100.00
4.00	CONCRETE TANK	1	LOT	100.00	100.00
5.00	CONCRETE TANK	1	LOT	100.00	100.00
6.00	CONCRETE TANK	1	LOT	100.00	100.00
7.00	CONCRETE TANK	1	LOT	100.00	100.00
8.00	CONCRETE TANK	1	LOT	100.00	100.00
9.00	CONCRETE TANK	1	LOT	100.00	100.00
10.00	CONCRETE TANK	1	LOT	100.00	100.00

DATE: JULY 27, 2024
 SHEET 3/7

LOT LOADING CALCULATIONS

SOIL GROUP: D SLOPE: 4.0% DRAINAGE FACTOR OF 1.0
 (800 GPD/1000 GPD) X 1.50 = 0.468 ACRES
 AREA OF WELL RATIOS ON LOT = 0.40
 LOT SIZE = 13.13 ACRES (PER TAX CARD)

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 0.33' SEPARATION BETWEEN BED BOTTOM AND THE SHIRT USING THE ENVIROSEPTIC LEACHING SYSTEM.

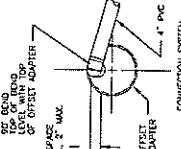
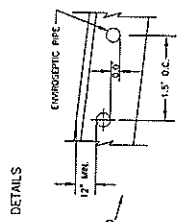
SITE DATA:
 SOIL TYPE: TUNBRIDGE-LYMAN-BECKET COMPLEX
 WEB SOIL SURVEY: 6 MIN/INCH
 SEEPAGE RATE: 0.000000
 DEPTH TO LEACH: NO REFUSAL AT 65"
 SUBDIVISION APPROVAL NUMBER: PRE 1957

SYSTEM DESIGN: LOADING: 2 BEDROOM APT = 300 GPD
 LEACHING AREA: 268 SQ FT
 PIPE LENGTH REQUIRED: 140 LF
 PIPE LENGTH PROVIDED: 150 LF ENVIROSEPTIC PIPE
 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



SEWAGE DISPOSAL SYSTEM

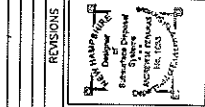
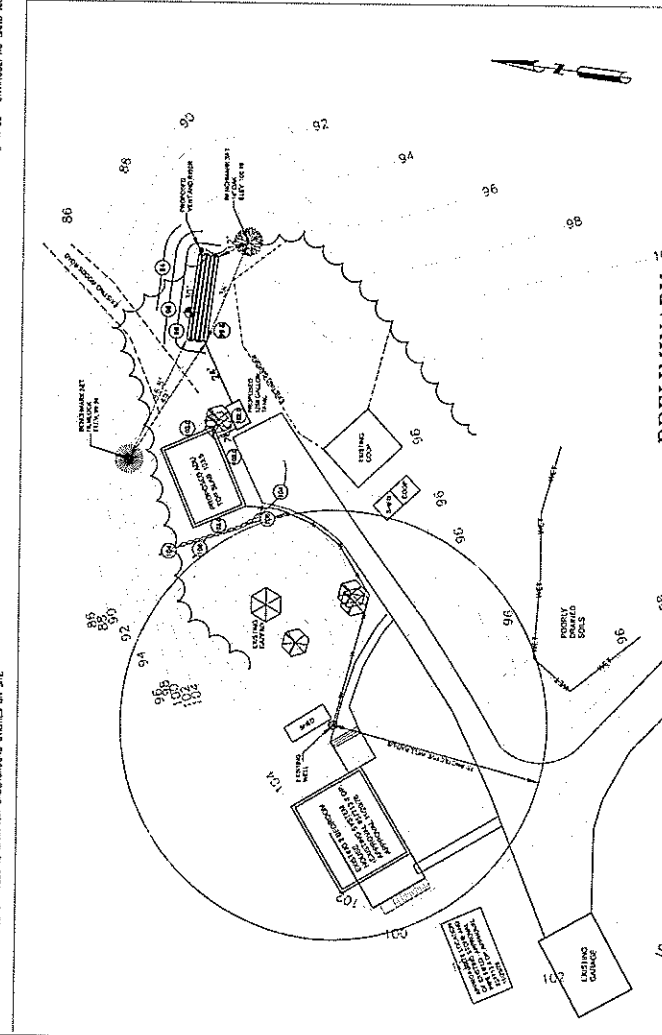
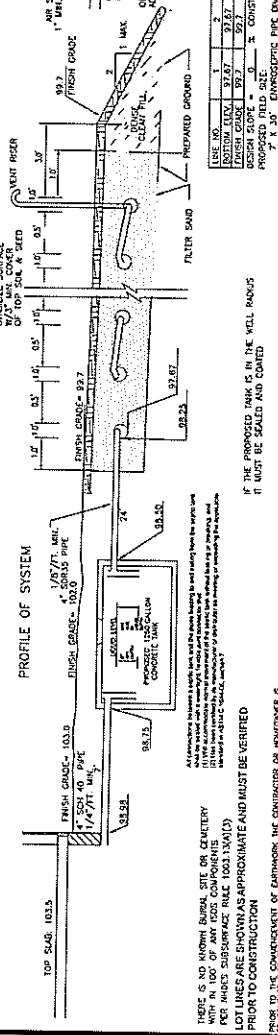
LOT: 30, MAP: 1.3, 224 NEWMARKET ROAD, WARNER
 OWNER: STEPHEN AND REBECCA AUGER
 224 NEWMARKET ROAD
 WARNER, NH 03278
 SCALE: 1"=20'
 DATE: JULY 24, 2024
 DESIGNER: BEAVER BROOK PLANNING AND DESIGN, LLC
 PO BOX 2772
 CANAAN, NEW HAMPSHIRE 03020
 603 - 436 - 3697



LEACHING PIPE	DEPTH	ELEVATION
1	1.5"	97.67
2	1.5"	97.67
3	1.5"	97.67
4	1.5"	97.67
5	1.5"	97.67
6	1.5"	97.67
7	1.5"	97.67
8	1.5"	97.67
9	1.5"	97.67
10	1.5"	97.67

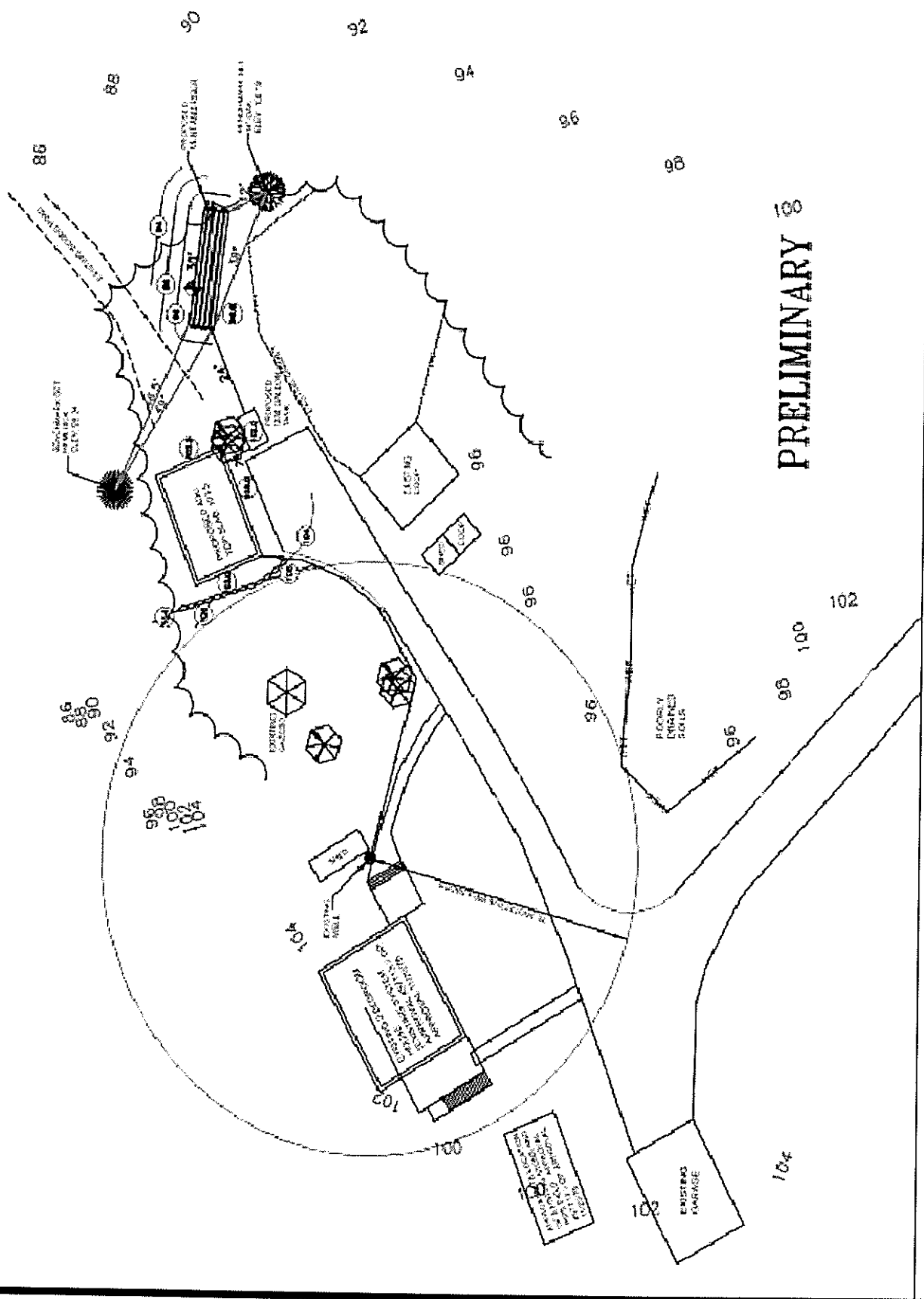
NOTES

1. THE SOIL GROUP OF THIS SITE IS FOR THE REGION AND THE SEEPAGE RATE OF THIS SITE IS 0.000000. THIS IS THE BASIS FOR THE DESIGN OF THIS SYSTEM. THE SEEPAGE RATE IS THE BASIS FOR THE DESIGN OF THIS SYSTEM. THE SEEPAGE RATE IS THE BASIS FOR THE DESIGN OF THIS SYSTEM.
2. THE DESIGNER HAS ASSUMED THAT THE SEEPAGE RATE IS 0.000000. THIS IS THE BASIS FOR THE DESIGN OF THIS SYSTEM. THE SEEPAGE RATE IS THE BASIS FOR THE DESIGN OF THIS SYSTEM.
3. SYSTEM IS NOT DESIGNED FOR USE WITH OTHER DRAINAGE SYSTEMS.
4. SYSTEM IS NOT DESIGNED FOR USE WITH OTHER DRAINAGE SYSTEMS.
5. CONNECTION TO EXISTING SEWER, EXISTING AND NEW, SHALL BE MADE AT THE DESIGNER'S DISCRETION. THE DESIGNER SHALL BE RESPONSIBLE FOR THE CONNECTION.
6. THE SYSTEM IS NOT DESIGNED TO BE USED WITH ANY TYPE OF WATER TREATMENT SYSTEM.
7. THE SYSTEM SHALL BE INSTALLED AND OPERATED IN THE MANNER SHOWN ON THESE PLANS.
8. ALL ENVIROSEPTIC PIPES SHALL BE INSTALLED IN THE MANNER SHOWN ON THESE PLANS.
9. ENVIROSEPTIC PIPES SHALL BE INSTALLED IN THE MANNER SHOWN ON THESE PLANS.
10. ENVIROSEPTIC PIPES SHALL BE INSTALLED IN THE MANNER SHOWN ON THESE PLANS.
11. THE DESIGNER SHALL VERIFY THE ACCURACY OF ALL INFORMATION PROVIDED BY THE CLIENT. THE DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN OF THIS SYSTEM.
12. LOT SIZE = 13.13 ACRES.
13. ENVIROSEPTIC PIPE SHALL BE INSTALLED IN THE MANNER SHOWN ON THESE PLANS.

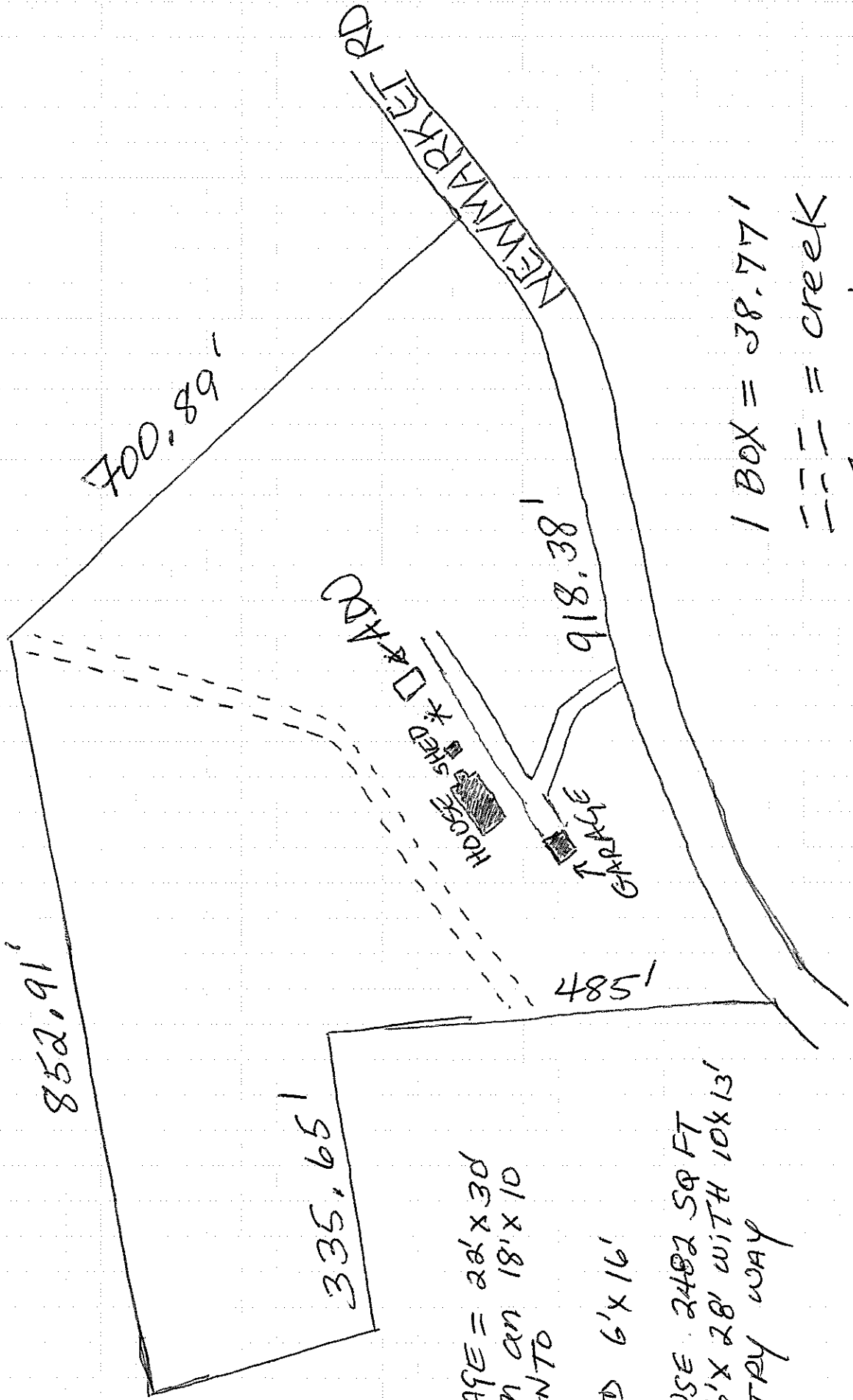




PRELIMINARY



224 NEWMARKET RD
WARNER, NH 03278



852.91'

700.89'

DRIVE * DAD RD
HOUSE SHED *
GARAGE

918.38'

485'

335.65'

- GARAGE = 28' x 30'
WITH AN 18' x 10'
LEAN TO

- SHED 6' x 16'

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

1 BOX = 38.77'

--- = creek

□ = ADU

* = GAZEBO



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

General Instructions for an Appeal to the Zoning Board of Adjustment

[All applications are subject to RSA 91-a, which affords the public access to government records.](#)

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Getting Started

Before filling out the application, be certain you know which application you should file. If the application is incomplete, it will be returned causing a delay in the processing of the application and hearing before the Zoning Board of Adjustment (ZBA).

When you're ready to get started, make sure you read everything included with the application, follow all the steps listed and work with the Land Use office to make sure everything is complete before you submit your application. **The burden of preparing and submitting a complete ZBA application is with the applicant.**

Types of Appeals

1. Variance

- a. A variance is an authorization, which may be granted under [a special circumstances](#), to allow your property [relief from to-not-meet](#) requirements specified in the Zoning Ordinance. For a variance to be legally granted, you must show that your proposed use meets all of the conditions listed in the Ordinance.
- b. If you [have a referral from the Selectboard, Planning Board or Building Department, a copy must be included with your application](#), ~~are applying for a variance, you must first have some form of determination that you are not permitted to proceed without a variance. Most often this determination is a denial of a building permit, but could be a referral from the Planning Board. A copy of the determination must be attached to your application.~~

2. Special Exception

- a. ~~Certain sections of t~~he Zoning Ordinance provide that uses, buildings or activities in a particular zone will be permitted by Special Exception if specified conditions are met. The necessary conditions for each Special Exception are given in the Ordinance. Your appeal for a Special Exception will be granted if you can show that the [criteria conditions](#) stated in the [application ordinance](#) are met.
~~If you are applying for a Special Exception, you may also need Site Plan Review or subdivision approval, or both, from the Planning Board. Even in those cases where no Planning Board approval is needed, presenting a Site Plan to the Planning Board will assist in relating the proposal to the overall zoning. This should be done before you apply for a Special Exception.~~

3. Appeal of Administrative Decision (RSA 677)

- ~~3-a.~~ [Decisions made by the administrative officer involving what the ordinance says and means are appealable](#) by anyone with standing. [This includes situations such as a decision by the board of selectmen to issue \(or deny\) a building permit because of their belief that the proposed use is permitted \(or not\) in a particular zone. The same applies to decisions by the planning board, zoning board of appeals or any other "administrative officer" regarding the terms of the ordinance. This does not mean, however, that decisions to enforce \(or not enforce\) the ordinance are also appealable to the board of adjustment. These decisions are discretionary and are not reviewable under RSA 676:5, II \(b\) or any other statute.](#)

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- ~~a-b. If you have been denied a building permit or are affected by some other decision regarding the administration of the Town of Warner Zoning Ordinance, you may appeal the decision to the Zoning Board of Adjustment. The appeal must be made normally within 30 days of the decision, pursuant to RSA 677. The appeal will be granted if you can show that the decision was indeed made in error.~~
- ~~c. If you are appealing an administrative decision, a copy of the decision being appealed for must be attached to the application.~~
- ~~b-d. The ZBA will not reopen a case based on the same set of facts unless it is convinced that the original decision was unlawful or unreasonable.~~

4. Equitable Waiver of Dimensional Requirements

- a. If you have found that your structure does not conform to the dimensional requirements for the zoning district in which it is located as a result of an error by your builder, yourself or a public official, you may be eligible for an Equitable Waiver of Dimensional Requirements. This does not mean that your structure is then a legal non-conforming use but rather recognizes the error and prevents any enforcement action against that error in the future. All subsequent construction at the site must then comply with all dimensional requirements.

Application Instructions

- 1. Read, complete and sign the proper application for the type of appeal. If the application is incomplete, it will be returned. This will cause a delay in the processing of the application and hearing before the Zoning Board of Adjustment (ZBA).
- 2. The ZBA strongly recommends that prior to filing an application the applicant become familiar with the applicable Warner Zoning Ordinance, ~~s and also with the New Hampshire Statutes Title LXIV, RSA Chapters 672 to 677 as amended, covering planning and zoning.~~
- 3. ~~You must s~~Submit the an application on forms approved by the ZBA and
- 3.4. ~~p~~Pay all fees before the at time of submittal. ~~Board will meet and make a determination.~~
- 4.5. **If a variance is requested, it must be based on a referral from the Board of Selectmen or the Planning Board, or a denial of a building permit. *** (To be discussed further) *****
- 5.6. Please include the following along with your application:
 - a. A list of all abutters within 200 feet of the boundaries of the property on the supplied form. Accuracy of the list is the applicant's responsibility.
 - b. Include a copy of any order, notices of violations or other communications received from either the Board of Selectmen or the Planning Board that pertains to the property.
 - b-c. A copy of the property deed
 - e-d. Plot Plans shall include: (see *How to Draw a Plot Plan* for details)
 - 1) Clearly indicate where the site is located (locus map) and what is proposed drawn to scale.
 - 2) Show for the "lot of record" the boundary lines with footage on all sides.
 - 3) Name of the road the lot fronts on.
 - 4) Include all existing structures on the lot, clearly indicating their dimensions, distance from other structures and distance from abutting property line, drawn to scale.
 - 5) For a proposed structure, include all of the above and a floor plan with dimensions, (length, width, and height) and yard setback lines.

~~At the hearing, the ZBA shall vote whether to accept the application as complete.~~

6.7. The applicant must cover the following fees:

Application Fee		Notification Fee
Residential	\$50.00	Abutter Notification ____ x \$ 8.00
Commercial	\$100.00	Newspaper Notification *\$60.00

*Standard Posting: Intertown Record = \$60.00 Upon request of applicant a Special Posting in the Concord Monitor = \$300.00

A check for the correct amount made out to the **Town of Warner** must be provided at the time of filing. Fees for publication of the Legal Notice will be invoiced and must be paid prior to starting the hearing.

7-8. A completed application must be received at least 15 days prior to the next ZBA meeting. Public notice of the hearing will be posted and printed in a newspaper, and notice shall be given to the applicant, all abutters, and to parties the ZBA may deem to have interest, at least five days prior to the date of the hearing. The applicant and all other parties will be invited to appear in person, or by agent or counsel, to state reasons why the appeal should or should not be granted.

Application Instructions (continued)

8. All property owners must sign the application.

9. Authorization from Owner(s) must be signed to designate someone to speak on behalf of the property owner(s).

10. Abutter(s) List instructions:

- a. Please list the name and addresses of all owners of the property that abut the subject property, defined as follows:
 - 1) Any person whose property is located in New Hampshire and;
 - i. adjoins or is directly across a street or stream from or
 - ii. has a boundary which is within 200 feet of any boundary of the land under consideration by the ZBA, or,
 - iii. has frontage on a pond on which the land under consideration by the ZBA also has frontage.
 - iv. In case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. (also see RSA 672:3).
- b. In addition to abutters, please include the names and addresses of the applicant, owner(s) of the subject property and as applicable, the owner's agent engineer, land surveyor, architect, soil scientist, wetland scientist, and holders of conservation, preservation, or agricultural preservation restrictions.
- c. If the property abuts a street, the Board of Selectmen shall receive a notice as an abutter. If the property abuts a State Highway, the State Department of Transportation as well as the Board of Selectmen shall be notified as abutters. If a referral was received from the Planning Board, they shall be notified as an abutter.
- d. The abutters list must be obtained from the Town of Warner's Assessors records and submitted with the application within five(5) days of submission of this application.

11. The applicant shall appear at the hearing. If an attorney represents the applicant and the attorney desires to present a written brief in the case, the brief may be delivered with the application.

11-12. At the beginning of the public hearing the ZBA will decide if the application is complete.

12-13. After the public hearing, the ZBA will reach a decision. The decision could be postponed to a date specified however, to allow for the availability of additional information or to consult with Town Counsel. After the ZBA reaches a decision, a formal Notice of Decision will be mailed to the applicant and property owner(s), and a copy will be placed in the ZBA files.

14. The applicant, Selectmen, or any party aggrieved by the decisions of the ZBA's decision has a right to appeal within 30 days. (See #3 under Types of Appeals) A motion for rehearing shall be in the form of a letter to the ZBA. The Board will not reopen a case based on the same set of facts unless it is convinced that injustice would be created by not doing so. In the event that a rehearing is granted, the same procedures will be followed as for the first hearing, including public notice to abutters. See RSA Chapter 677 for more details on rehearing and appeal procedures.

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13.

Applicant's Checklist

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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 variance is requested, it must be based on a referral from the Board of Selectmen or the Planning Board and 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 Board of Selectmen or the Planning Board that pertains to the property. (If applicable)		
		Plans shall include: <input type="checkbox"/> Clearly indicate where the site is located (locus map) and what is proposed drawn to scale.		
		<input type="checkbox"/> Show for the "lot of record" the boundary lines with footage on all sides.		
		<input type="checkbox"/> A copy of the lot's deed (to verify Owner).		
		<input type="checkbox"/> Name of the road the lot fronts on.		
		<input type="checkbox"/> Include all existing structures on the lot, clearly indicating their dimensions, distance from other structures and distance from abutting property line, drawn to scale.		
		<input type="checkbox"/> 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.		
		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

6

Zoning Board of Adjustment

Minutes of Wednesday, July 10, 2024

7

8

9 **I. OPEN MEETING and ROLL CALL – 7:00 PM**

A. Roll Call:

Board Member	Present	Absent
Sam Carr (Alternate)	✓	
Jan Gugliotti	✓(arrived 7:07)	
Beverley Howe	✓	
Barbara Marty (Chair)	✓	
Lucinda McQueen	✓	
Derek Narducci (Vice Chair)	✓	
Harry Seidel (Alternate)	✓	
James Zablocki (Alternate)	✓	

10

Present: Janice Loz – Land Use Administrator

11

In the absence of Jan Gugliotti, Sam Carr was elevated to a voting member. Later on in the meeting Jan arrived and voting members were adjusted.

12

13 **II. NEW BUSINESS**

14 **A. Application for a Variance**

15 **Case:** 2024-04

16 **Applicant:** Daniel Chaloux

17 **Property Owner:** Daniel Chaloux and Desiree Kalloch

18 **Map/Lot:** Map 07, Lot 040-1

19 **District:** R-3

20 **Details of Request:** Proposed garage 40 feet from the edge of the right-of-way. Needs a 10-foot
21 variance to the terms of Article VII, Section C.2.

22 The Chair inquired if any board members had a conflict of interest before looking through the
23 application checklist and accepting the application. Board members indicated no conflict of interest.
24 The Chair asked members about the regional impact implications of the application. The members
25 indicated there was no potential for regional impact. Harry expressed concern that the applicants'
26 drawings were not to-scale. He emphasized the need for accurate measurements and scale to
27 make a fair judgment. He highlighted the difficulty in assessing dimensions and relationships to the
28 road.

29 The Chair noted the challenges in interpreting measurements and scale on the drawings. The Chair
30 inquired if the board felt capable of making a decision with the current documentation. Harry and
31 Sam suggested that while property lines may not always be necessary, setbacks from the road are
32 crucial. The board described the dimensions of the house and its distance from the road, and how
33 having a scale available would help emphasize specifics about the garage's position.

34 The Chair asked the board if they felt they could proceed with the application based on the
35 information provided. The board members expressed agreement and a readiness to proceed, while
36 advocating consistency and the importance of a detailed plan for adequacy and consistency. The
37 Chair urged the Board to make a potential motion and decision regarding the application and if it
38 needs to be resubmitted. The Chair suggested two potential motions to either not accept the
39 application because we feel it is incomplete without the scale drawing and continue when they get
40 a scale drawing. Alternatively, to hear the application, depending on the decision they will have a
41 condition of receiving a scale drawing.

42 The applicant said he wanted to withdraw the application and just move the garage back (within
43 regulation setbacks from the right of way).

44 **Jan Gugliotti made a motion to deny the application, without prejudice. Derek Narducci**
45 **seconded the motion. Discussion: None. Vote Tally: 5 - 0.**

46 **III. UNFINISHED BUSINESS**

47 **A.** Consider application additions and checklist changes. [Variance](#), [Special Exception](#), [Equitable](#)
48 [Waiver](#), [Appeal from an Administrative Decision](#).

49 The board reviewed the application directions and guidelines, made edits to review at the August
50 10, 2024 meeting. Janice will work on plot plan drawing with the Chair.

51 **IV. REVIEW OF MINUTES OF PREVIOUS MEETING – May 8 and June 12, 2024**

52 **Lucinda McQueen made a motion to accept the minutes of May 8, 2024 as amended. Jan**
53 **Gugliotti seconded the motion. Discussion: None. Vote Tally: 5 -0.**

54 **Jan Gugliotti makes a motion to accept the minutes of June 12, 2024 as presented. Beverley**
55 **Howe seconded the motion. Discussion: None. Vote Tally: 5 - 0.**

56 **V. COMMUNICATIONS AND MISCELLANEOUS - None**

57 **VI. ADJOURNMENT (Motion, Second, Vote)**

58 **Beverly made a motion to Adjourn the meeting 8:53 PM. Jan Gugliotti seconded the motion.**
59 **Discussion: None. Vote Tally: 5 - 0.**