



TOWN OF WARNER

P.O. Box 265, 5 East Main Street
Warner, New Hampshire 03278-0059
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June 23rd, 2025

Jason Lopez, Senior Project Manager
Keach-Nordstrom Associates, Inc.
10 Commerce Park N, Suite 3B
Bedford, NH 03110

RE : Jennesstown Manor Site Plan Application
Tax Map 7, Lot 39 & 39-1, Warner, NH

Dear Mr. Lopez,

Regarding your site plan presentation at the June 2nd Planning Board meeting, as well as your correspondence dated May 27th, 2025, and the interpretation therein of Article II.C.2. of the Town of Warner Zoning Ordinance which states, "Where a lot is located within more than one Zoning District all the relevant Zoning Ordinance requirements pertaining to each Zoning District type shall remain for each corresponding area of the lot," we have asked two separate legal counsel to respond to the assertion that a "prorated calculation" must be used to calculate buildable acreage for the lot. Both have maintained that in accordance with Article II.C.2., the zoning requirements of each district shall remain.

This means that the requirements for R-2 apply to that portion of the lot in R-2 and the requirement for R-3 applies to that portion of the lot in R-3. Therefore, with regard to Map 7, Lots 39 and 39-1, which are divided between R-2 and R-3 districts, if you wish to build a development completely in the R-2 district, you will have to comply with all of the requirements applicable to the portion of the lot in the R-2 district, including the requirement of 5 acres of land in the R2 district for the units proposed.

If there is not sufficient "buildable area" in the R-2 portion of the lot to meet the requirements, then you have the choice to either seek a variance for "buildable area" from the ZBA or move the building to the R-3 portion of the lot and seek a special exception for multifamily housing in R-3.

Neither counsel agrees with the suggested proposal for a "prorated approach" to the building area. If no building is proposed in the R-3 portion of the lot, then you may not factor in that portion of the property in calculating the "buildable area."

The suggestion that you should take the "buildable area" requirement in the R-2 portion and the "buildable area" requirement in the R-3 portion and create a prorated buildable area that applies to the entire lot does not apply, and the Warner Zoning Ordinance does

not give the Planning Board the discretion to approve that allowance.

Sincerely,
Chrissy Almanzar
Land Use
Town of Warner
landuse@warnernh.gov