

## **2021 May 3 Planning Board**

**2. Conceptual Consultation with Mark and Susan Xenakis – 93 Diamond Lane, subdivision of 2 acres from their lot.** Mark said there shouldn't be any issues with his request except the only frontage he has is the end of Diamond Lane which is probably 39' wide. The purpose for this other house is for he and his wife to retire to a new house and his children will get the current house. They've had this land in their family for 40 years.

Chairman Frost said that frontage is definitely a problem and he may need to go to the Zoning Board of Adjustment to do this. Given how they are proposing the subdivision, he isn't sure how the Zoning Board would look at it. Before having it surveyed, he should find out if he could get a Variance from the Zoning Board.

Mr. Xenakis said the dotted line is his existing driveway. There would be a split at the end of Diamond Lane and the new driveway would split and be part of the 2-acre parcel. James suggested moving the new lot closer to the lot line which would help with the frontage issue.

Chair Frost shared the map of the property. Romeo asked if the applicant was familiar with the Accessory Dwelling Unit law (Town of Warner Zoning Ordinance). He was not. Chairman Frost said that ADUs (Accessory Dwelling Units) are required by state law to be allowed by towns. They are attached traditionally, but towns can also allow for detached ADU's. Until Town Meeting voted on this in March, detached ADU's had to be in a building that was associated with the primary dwelling unit. Now they do not have to have an association but have to be within 75' of it. This can be done with a building permit. Romeo said that this application would give Mr. Xenakis what he is looking for (two separate dwellings) but would not allow for a subdivision.

Chairman Frost said that he would only have to go to the ZBA if he wanted to put the house more than 75' from the primary dwelling. Tom's Pond, abutting Mr. Xenakis' property, does require a 250' buffer so this may come in handy when requesting an ADU further than 75' from the primary dwelling. Chairman Frost said they needed to look into who should be notified as an abutter across the water. Janice said she would send the ADU language to the Board and to Mr. Xenakis.

## **2023 June 5 Planning Board**

### **Conceptual Consultation Application**

Applicant: Mark Xenakis

Agent: Mark Xenakis

Owner: Mark and Susan Xenakis

Address: 93 Dimond Lane, Warner, NH

Map/Lot: Map 3, Lot 29

District: R2

**Description:** Subdivide lot to build a house.

Mark Xenakis discussed the plan to subdivide the lot to build another house. He explained how this property is at the end of Dimond Lane. He wanted to take this 12+ acre lot and subdivide it and place a house on that property. The applicant explained the map provided along with the application. The chair advised the applicant that this plot might need to be presented to the Zoning Board for a variance to the ordinances. Another potential option is to extend Dimond Lane and dedicate a portion of the property to the town, thereby creating more frontage, however, the road would have to be built to town standards. The applicant and the board weighed each option and the applicability. Andy said the frontage issue seems to be the obstacle to this land. Janice inquired about extending town road, and the Chair clarified these requirements by saying how this would be rolled into the division of the subdivision, dedicating a portion of their property. Andy also advised the applicant about the difference between minor versus major subdivision.



## TOWN OF WARNER

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Selectboard, Harry Seidel, Chair  
Faith Minton  
Michael Smith  
[selectboard@warnernh.gov](mailto:selectboard@warnernh.gov)  
Kathy Frenette, Town Administrator  
[administrator@warnernh.gov](mailto:administrator@warnernh.gov)

Susan Xenakis  
29 Dimond Lane  
Warner, NH 03278

June 13, 2024

Dear Susan,

The following is taken from the Tuesday, January 30, 2024, Warner Selectboard Meeting. The zoom recording exists as the record of the meeting. Below is text from the recording of the portion of the meeting when discussion was held concerning your project to build a hammerhead on your Dimond Lane property.

"Mark Xenakis appeared before the board, handed diagrams to each member, explained he has been before the Planning Board.

Selectperson Brown, retired Warner Road Agent, provided history and explained that about 600 feet of Dimond lane was a state access road to a boy scout camp in the area when route 89 was built, easements from property owners after the state portion were obtained in order to have permission for the Town to plow past the state portion in winter storms.

Mr. Xenakis' end of the road property is 13 acres with only 35 feet of frontage, not enough to subdivide to build a small retirement home, his handouts show a hammerhead he would build at his own expense and use the perimeter as frontage needed for a new lot, the idea was discussed with and has the support of the Director of Public Works (DPW), Tim Allen, who could use the hammerhead to more easily turn trucks around when moving snow. Selectperson Brown has viewed the proposed project with DPW Allen and sees it as a positive advantage for the Town if they were to accept it as a Town road.

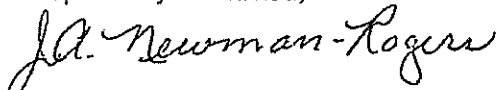
Mr. Xenakis approached the Board to show on his diagram handouts exactly where the hammerhead would be located which is completely on his property; he asked that he be allowed to build the hammerhead to the gravel stage, start building the new house and have the heavy trucks delivering supplies cross over and compact the gravel before he paves, he would have the fire truck come in to be sure they could turn around, he would give the easement to the Town,

members agreed it is a public benefit, life safety, adds to the property and does not take away from the Town.

Roads in new sub-divisions and road building specifications were discussed, the width of Dimond Lane, the land is flat and sandy. Interim Town Administrator suggested that a motion include giving DPW Tim Allen the authority to attend any meetings necessary, including Planning Board and speak for the Selectboard in his capacity as Public Works Director in regard to the hammerhead.

**Motion by Faith Minton: To support building a hammerhead turnaround on Map 3 Lot 29, Dimond Lane, Mark Xenakis property owner, with the condition that Tim Allen, Director of Public Works, Warner, is the overseer of the construction. Allan Brown seconded the motion. Voice Vote. All in favor. Motion Passed.**


Respectfully submitted,



Judith A. Newman-Rogers  
Selectboard Administrative Assistant"

Please let me know if this sufficiently meets your request.

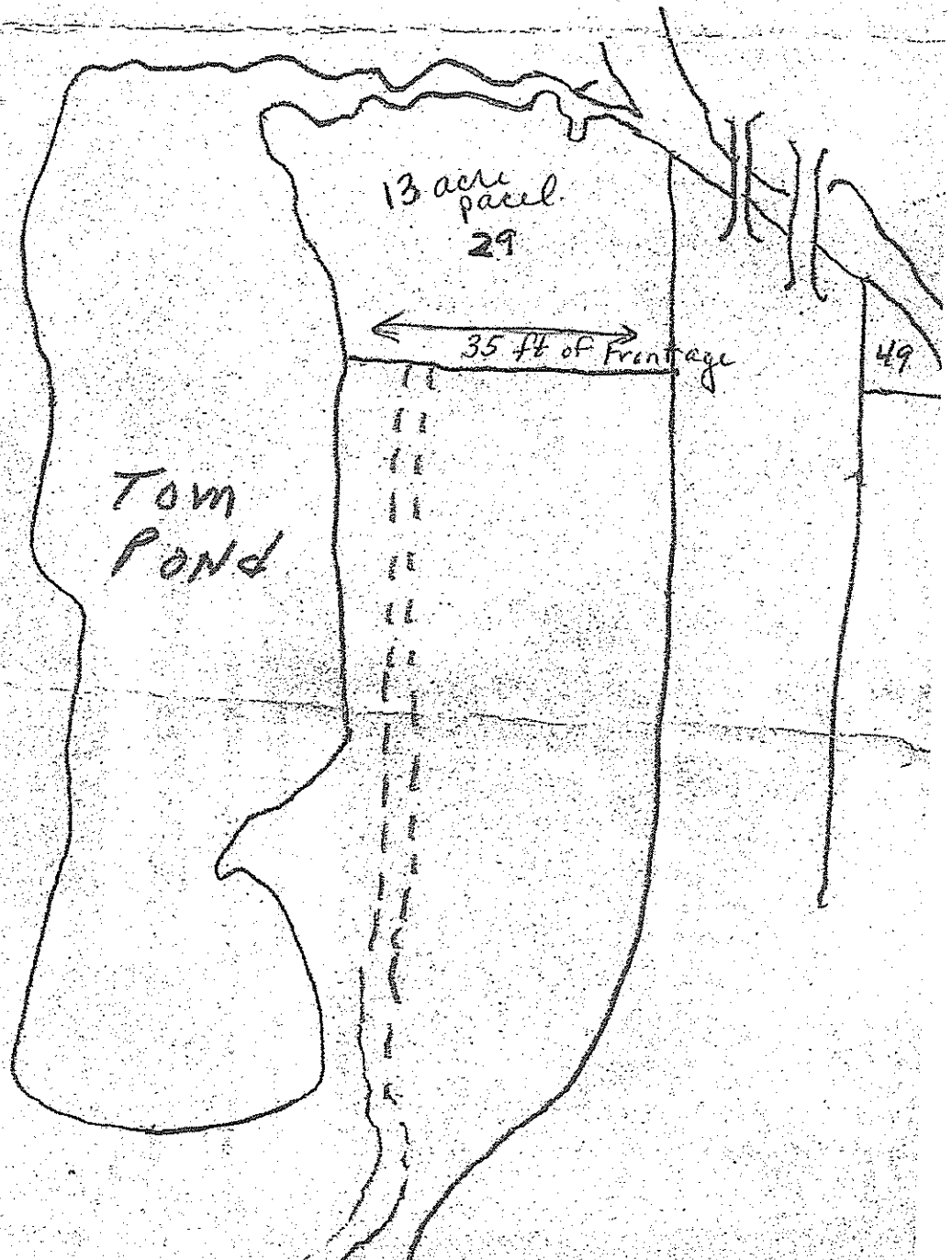
Thank you,

  
Judy

SB Mtg  
1/30/24

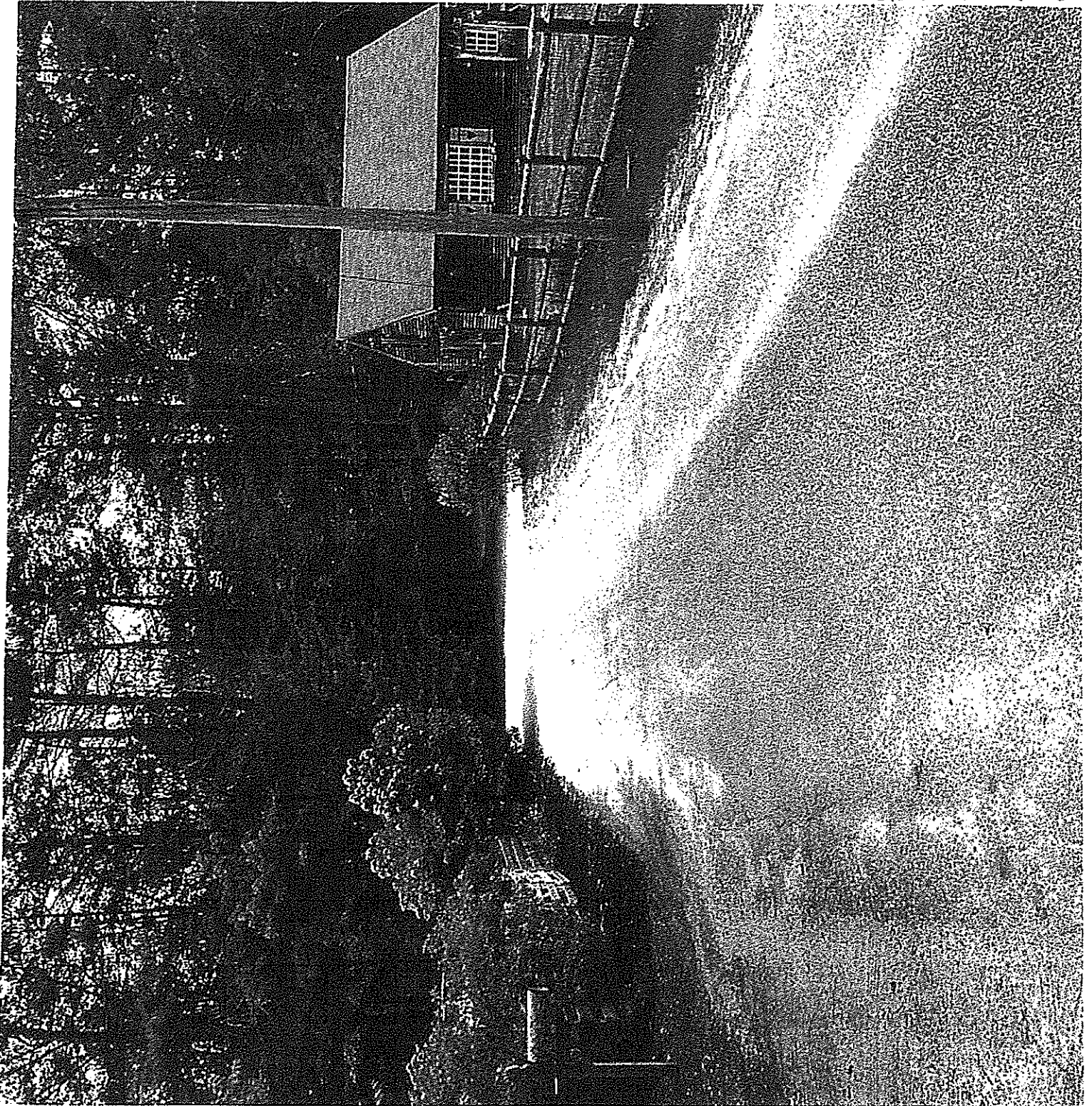
xenakis  
Handout

Mark Xenakis  
- Diamond Lane  
- Tim Allen



MAP 3

SB Mtg  
1/30/24  
Xenakis Handout





SB Mtg -  
1/30/24  
Xenakis Handout



H/S - supports project, provides benefit to town  
FS + AB - Support

All Motion: Support Hammerhead on Diamond Lane on MX property M3  
L29 in co-ordination w/ Tim Allen.

Mark would go to PB for Sub division

Mark would start building new house + have trucks  
coming in pack down gravel.

Then after House done, he would pave

Allen told Mark would to confirm w/ Tim about "how" to build

\* Mark spoke to

Tim several  
times.

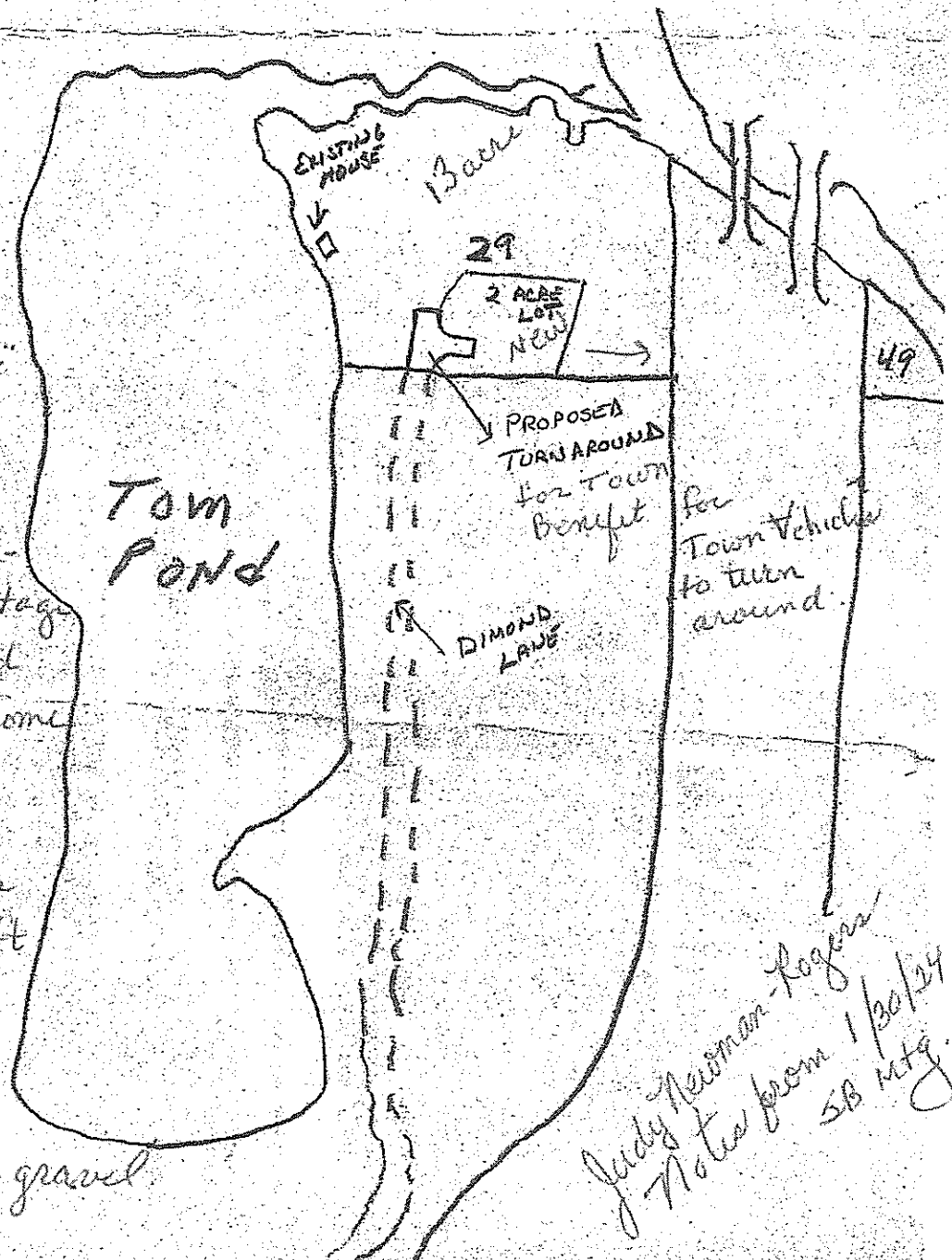
Tim would "love"  
it

\* Mark asking to use  
perimeter of hammer-  
head as road frontage  
so Mark can build  
new retirement home  
on 2 acre lot.

Hammerhead perimeter  
would provide --- ft  
of frontage.

Mark would build the  
Hammerhead + lay gravel

MAP ?





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

### Planning Board Notice of Decision

Date of Decision: Monday, August 5, 2024

#### Minor Subdivision Application

Applicant: Mark W. Xenakis

Owners: Mark and Susan Xenakis

Agent: J.E. Belanger Land Surveying, PLLC.

Address: 93 Dimond Lane, Warner, NH 03278

Map/Lot: Map 3, Lot 29

District: R-2 and OC-1

Description: Subdividing a 11.16-acre lot into two residential lots. There will be an existing house on one lot and a single-family residential home will be built on the newly created lot. An existing lane will be extended so the newly created lot will have road frontage (this has been approved by the Town of Warner Selectboard).

On August 5, 2024, the Warner Planning Board voted **APPROVE** a 2-lot subdivision for Mark and Susan Xenakis for Map 3, Lot 29 if the following conditions have been met, before the final mylars are signed by the Chair and submitted to the Merrimack County Registry of Deeds:

1. The zone delineations and buildable areas noted on the plan.
2. The turn-around will not be used to park Town vehicles, to be agreed upon by the Road Agent.
3. Subject to an extension of Diamond Lane constructed to Class V road standards, so both of the proposed residential lots have the required road frontage.

The vote tally was 7 to 0 in favor of approving the minor subdivision.

The Planning Board's decision may be appealed to superior court pursuant to RSA 677:15 or, if it has jurisdiction, to the Housing Appeals Board pursuant to RSA Ch. 679.

Karen Coyne  
Planning Board Chair



## Judy Newman-Rogers - Select Board Admin

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**From:** Judy Newman-Rogers - Select Board Admin  
**Sent:** Thursday, September 26, 2024 3:05 PM  
**To:** Lick, Derek D.  
**Cc:** Landuse Secretary  
**Subject:** RE: Warner Gibson Dimond Lane - Request for Meeting With Select Board [OR-IMANAGE.FID592536]

Hi Derek,

Thank you for the explanation. I will forward the information to the Board for review and let you know how they respond regarding scheduling a meeting.

Best,  
Judy

**From:** Lick, Derek D. <dlick@orr-reno.com>  
**Sent:** Thursday, September 26, 2024 2:53 PM  
**To:** Judy Newman-Rogers - Select Board Admin <selectboard@warnernh.gov>  
**Cc:** Landuse Secretary <landuse@warnernh.gov>; Lick, Derek D. <dlick@orr-reno.com>  
**Subject:** RE: Warner Gibson Dimond Lane - Request for Meeting With Select Board [OR-IMANAGE.FID592536]

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Hi Judy,

Yes, I can provide more details on the reason we are requesting a meeting with the Select Board.

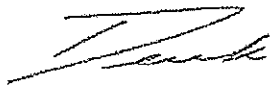
The request for the meeting relates to an issue that arose during an August 5, 2024 Planning Board meeting. Specifically, Mr. and Mrs. Gibson's neighbor, Mark Xenakis, sought approval for a subdivision of his property located at 93 Dimond Lane, just past the Gibson property. As part of his subdivision approval, the Planning Board required Mr. Xenakis to construct a hammerhead on his property to allow the town's plow trucks to turn around at the end of the Dimond Lane. However, based on my client's and his surveyor's review of the land records, the Gibsons own the portion of Dimond Lane over which the Town plow trucks (and other vehicles) must travel to reach the hammerhead on the Xenakis property. We are unaware of the Town being granted any easement or of the town taking the road by eminent domain etc. As a condition of Mr. Xenakis' subdivision approval, the Planning Board required the Gibsons and the Town to come to an agreement as to the Town's access rights over the portion of Dimond Lane crossing the Gibson's property. Therefore, we wanted to begin the discussions with the Town about some form of access agreement.

Selectman Harry Seidel was at the Planning Board meeting, as was Selectman Michael Smith. They should have some recollection of the situation. Additionally, if I recall correctly, Mr. Smith pulled me and Mr. Gibson aside after the meeting and said that he was going to try to track down documents at the Highway Department that he thought might clarify the Town's rights. I looked for the minutes of the Planning Board meeting to share with you, but they are not yet posted. So, I've copied Janie Loz

on this email in the event she has any input or might have a draft of the minutes to share with you to get a better understanding of the condition related to reaching agreement with the Town.

I hope that is helpful. Let me know if you or the Select Board have any additional questions before slotting us in for a meeting.

Thanks!



**Derek D. Lick**  
Attorney/Shareholder

**Orr&Reno**  
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**From:** Judy Newman-Rogers - Select Board Admin <[selectboard@warnernh.gov](mailto:selectboard@warnernh.gov)>  
**Sent:** Wednesday, September 25, 2024 11:09 AM  
**To:** Lick, Derek D. <[dlick@orr-reno.com](mailto:dlick@orr-reno.com)>  
**Subject:** Warner Gibson Dimond Lane

Good morning Derek,

I have asked the Selectboard again about scheduling a meeting with you and the Gibsons. Is there anything more specific I can pass along to them about the issue you wish to discuss with them?

Thank you,