



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

MEETING AGENDA Zoning Board of Adjustment Thursday October 30, 2025 Town Hall Lower Meeting Room 7:00 PM

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

1. OPEN MEETING and ROLL CALL

2. NEW BUSINESS:

A. Motion for Rehearing of CASE 2025-7

Case: 2025-9

Applicant: Nathaniel Burrington

Address: 27 Annis Loop

Parcel: Map:07, Lots 34

District: R-2

Description: Motion for rehearing on the application appealing the Town of Warner Land Use interpretation of buildable area calculation. Warner Zoning Ordinance Article II. C. 2., and Article III Definitions: Buildable Area

3. REVIEW MINUTES – September 10, 2025

4. COMMUNICATIONS – New Application Form-Motion for Rehearing, CATCH appeal to Superior Court

5. ADJOURN

Note: Zoning Board meetings will end no later than 10:00 P.M unless extended. 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.



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Zoning Board of Adjustment MOTION FOR REHEARING

RECEIVED
10/02/2025
WARNER LAND USE

1. Case Information

- A. Case Number for original matter decided: Case 2025-7
B. Date of decision by the Zoning Board of Adjustment: September 10, 2025
C. Date request submitted: ~~October 24, 2025~~ 10/02/2025

2. Requestor [Information about the person who is requesting the rehearing]

Name: Nathanael Burrington
Mailing Address: PO Box 221 Warner NH 03278
Property address: Map 07, Lots 39 & 39-1
Phone: 603-748-4310 Email: Burringtonbuilders603@gmail.com

You are:

☐ The original applicant, ☐ The owner of the property, ☐ The Warner Board of Selectmen, ☒ An abutter, or other party who was required to be notified of the original application

3. Rehearing Request

Applicant is requesting that the Zoning Board of Adjustment reconsider:

☒ Its approval of the application, ☐ Its denial of the application, or ☒ The conditions, restrictions, or modifications it imposed when it approved the application

Please describe the reason(s) for the request for rehearing, setting forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable. (Attach additional sheets if needed)

SEE ATTACHED SHEET. - "Request for Rehearing"

PLEASE NOTE: An application for rehearing must be filed within 30 days of the decision. The decision to grant or deny a rehearing is made at a public meeting and not at a public hearing, so public notice is not given to applicants, owners or abutters, and the Board will not take any testimony from any party. Should the Board decide to grant a rehearing, the requestor filing this application shall be responsible for all costs related to the required application and fees for public notice. See also RSA 677:2 and RSA 677:3

Nathanael Burrington
PO Box 221
Warner, NH 03278

October 24, 2025

Town of Warner – Zoning Board of Adjustments
PO Box 269, 5 East Main Street
Warner, NH 03278-0059

RE: “Request for Rehearing”

This attachment is to outline my request for rehearing for Case Number “Case 2025-7” with a decision rendered on September 10, 2025

The concern(s) I have for the decision is whether **Zoning Ordinance Article II.C.2** was properly interpreted. It is my understanding that the calculations submitted were given based on a survey, where the “buildable area” was combined for Zones R-2 & R-3, with Zone R-3 being the more stringent of the two zones. It is common practice that when there are multiple zones, codes or legalities, usually the final interpretation is that of the more stringent standard. Was the calculations done to favor the less stringent zone, namely Zone R-2? Were the calculations correct as it applies to each zone?

The other concern when the decision was rendered is whether all consideration was given to the guidelines under **Article XIV Open Space Development**, especially under **Sections A.2,3,5 & 6**. Where all the requirements under **Article XIV** met under **Section D.3** and the applicable agencies/parties as outlined in this section?

In the “**Warner Master Plan**” **Chapter 4 – Section 4.1 paragraph 3** it states “Likewise, a majority of Warner residences emphasize the value of “rural character as a large part of “what makes Warner, Warner”, or what makes Warner a desirable community different from a city of suburban area. Often, a rural character involves what buildings look like, where they're located, and the scale of development. This rural character is essential to Warner's existing infrastructure, community, and the wishes of it's residents.”

In **Section 4.2 Housing Goals and Objectives, paragraph 1, bullet point 2** “To preserve Warner's rural character and natural resources by minimizing development in outlying areas such as on Class VI roads and near fragmented conservation lands.”

In **Section 4.4 What the Community Survey/Housing Forums Said ...** under sub-heading “Rural Character” it stated “When asked about the most important characteristics of living in Warner, “Quality of Environment” (64.4%) ranked highest, with “Close to Nature” (53.8%) ranked second. Many respondents to the open survey question “What does 'rural character' mean to you?” passionately described forests, farms, open space, and other natural elements that for them “make Warner, Warner,” along with not have suburban or big-box development that would feel more like a larger city. Almost all seemed to agree that rural character was a positive feature of Warner.”

Finally with the recent report on a large statewide school shortfall ,this will no doubt add to Town of Warner tax cost, coupled already with the Kearsarge Regional School District increased budget cost as expressed in a March 13, 2025 Concord Monitor story, will such developments only add to an already strained system?

In closing, my concerns as outlined by the facts submitted, is whether the precedent to combine calculations, using possibly a lower bar/standard, is it in line, not only with the letter of the Ordinance and Master Plan, but is it even within the spirit of both Ordinance and Master Plan? Will the “rural” characteristics that so many in Warner have come to cherish and expect, be diminished with such a project? Does it meet the “What makes Warner, Warner” mantra?

Respectfully;



Nathanael Burrington

PO BOX 221 WARNER, NH 03278
(603) 748-4310 • ESTABLISHED 2009





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Zoning Board of Adjustment

Wednesday, September 10, 2025 7:00 PM

Town Hall, Lower Meeting Room

I. OPEN MEETING and ROLL CALL

The Chair Barb Marty called the meeting to order at 7:00 PM.

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

II. NEW BUSINESS:

A. Continuation of Application: Appeal of Administrative Decision

Case: 2025-7 Applicant: Peacock Hill Rd LLC

Owner: Peacock Hill Rd LLC

Address: Route 103 East

Parcel: Map:07, Lots 39 and 39-1

District: R-2 and R-3

Description: Application appealing the Town of Warner Land Use interpretation of buildable area calculation. Town of Warner Zoning Ordinance Article II. C. 2, and Article III Definitions: Buildable Area

The Board continued deliberating on the appeal of administrative decision. The Chair stated that the Board had consultation with the Town's attorney to clear up legal questions. Each Board member indicated that they do not have anything new to add. The Chair explained that there have been other situations that came before the ZBA that included multiple zoning districts and the Board never made a distinction before considering buildable area. She stated that in the past it was always the lot. She read the definition of a lot in the town's ordinance "*Lot: means a parcel or portion of land separated from other parcels or portions of land by description as on a subdivision or survey map, or by metes and bounds, for purposes of sale, lease, rent, condominium conveyance, building development or any other reason*". The Chair explained that the buildable area has several things that have to be subtracted (wetlands, poorly drained soil, existing highways etc.) when considering buildable area of a lot. She stated that it does say the total acreage of the parcel. Bev Howe asked why it is not applicable. The Chair explained that when building in a specific district the applicant must meet the conditions of that zoning district. She stated that she does not see a contradiction in the ordinance. She reiterated that whatever district the lot is in the requirements of that district must be met.

Sam Carr stated that buildable acreage is not a specific measurement in one place of the lot it is a net calculation of the area. Derek Narducci stated that he views this as a hardship of the property but not necessarily something worthy of an appeal. The Chair explained that in this case they are only building on the R-2 lot and they do meet all of the zoning requirements of R-2.

Jan Gugliotti stated that she thought the way she interpreted the ordinance was fairly clear that the applicant could not add the allowance of R3's buildable area. The Chair stated that she does not interpret the ordinance in that way.

Jan Gugliotti made a motion seconded by Derek Narducci to deny the appeal of case 2025-7 Map:07, Lots 39 and 39-1 Town of Warner Land Use interpretation of buildable area calculation. Town of Warner Zoning Ordinance Article II. C. 2, and Article III Definitions: Buildable Area.

Discussion on the motion: Lucinda McQueen agrees with Jan Gugliotti. She stated that she does not see how zoning requirements may be diminished in favor of a buildable area calculation that incorporates the totality of the lot. The Chair stated that the zoning requirements are not diminished, as they are meeting all of the requirements of the zone. The Chair explained that there are lots all over town that are in multiple zones where the buildable area was never considered less than what the totality of the lot is.

Bev Howe stated that she is abstaining from the vote. The Chair stated that to abstain Bev Howe would need to give a reason. Bev Howe stated that she is too confused. James Zablocki asked if one of the alternates could vote in the place of Bev Howe. Derek Narducci explained that abstaining is Bev's vote. The Chair asked if the motion could be withdrawn to allow further discussion to assist Bev Howe. Jan Gugliotti agreed.

Motion withdrawn.

The Chair explained that this decision would not only be applied to the applicant but to the entire town and it was very important that everyone understands. The Chair stated that her position is that the way that the Planning Board interpreted the ordinance in this case is different than it has ever been applied in this town in the past. Jan Gugliotti stated that she feels that a variance is the best way to go. Jan Gugliotti asserted that the Board is being asked to make a legal decision. James Zablocki urged the Board to focus on the application in front of them and not what has been done in the past or in the future. The Chair agreed.

Jan Gugliotti asked what the purpose is of the ordinance which states the zoning requirements of each district shall remain for each portion of the lot. Sam Carr explained that it is still part of their lot. The Chair explained that the ordinance says that the relevant zoning requirements pertaining to each zone type shall remain for each corresponding area of a lot. The Chair reiterated that nowhere in the ordinance does it say that that diminishes the buildable area. She acknowledged that each of the buildings are on separate lots, but they are both in the same zone. She stated that they each meet the requirements.

Lucinda McQueen stated that the stricter zoning ordinance should prevail. The Chair stated that it does because the R-2 is stricter than the R-3. Jan Gugliotti reiterated that she does not believe the law allows the applicant to draw from one district to increase another. Sam Carr clarified that it is the same lot. Jan Gugliotti explained that the founding fathers decided to have two districts there and the stricter zone was never intended to have apartments. The Chair cautioned that the Board should not focus on what is being built there, rather they should focus on the definition of buildable area. The Chair explained that the definition of buildable area is defined as the total acreage of the lot. She reiterated that the Planning Board interpreted the buildable area was just the R-2 portion. She stated that she is in agreement with the applicant and she questioned why the Planning Board did not have someone at the last ZBA hearing to defend their decision. Derek Narducci agreed.

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The Chair made a motion seconded by Derek Narducci that the appeal of administrative decision in case 2025-7 for Peacock Hill Road LLC be granted. The Board found that the interpretation of the ordinance for buildable area includes the total area of the lot when calculating the land needed to support this development.

Discussion on the motion: Jan Gugliotti stated that she would reluctantly support the motion. Lucinda McQueen stated that she would reluctantly vote in favor of the motion.

Roll call vote: Gugliotti YES McQueen YES Narducci YES Marty YES Howe ABSTAINED questioning how the Planning Board and the ZBA came to two different interpretations.

The applicant requested that the continuation of the application for a variance be tabled until the appeal period for the Administrative appeal has expired and at that point they will withdraw their application for a variance. The Chair asked the applicant to send a letter indicating that for the record.

B. Continuation of Application: Variance Tabled
Case: 2025-8
Applicant: Peacock Hill Rd LLC
Owner: Peacock Hill Rd LLC
Address: Route 103 East
Parcel: Map:07, Lots 39 and 39-1
District: R-2 and R-3
Description: Application for a variance to the buildable area requirements. Town of Warner Zoning Ordinance Article II. C. 2, and Article III Definitions: Buildable Area

Andy Bodnarik via Zoom asked when the notice of decision would be posted and what was the final vote. The Chair stated that the vote tally was 4 in favor and 1 abstain. She stated that the decision would be posted in 5 days or sooner.

III. REVIEW OF MINUTES – August 13, 2025
Throughout the document strike the first name (Eli) and insert Attorney Leino
Strike audio difficulties
Page 2 strike town staff insert land use
Page 4 line 15 should read acknowledged that the area is primarily single family homes
Page 5 strike all audio stopped
Page 6 strike all audio stopped
Page 6 line 32 strike with insert where
Page 6 line 40 strike explained insert asserted
Page 7 line 41 insert is before predominantly
Page 8 line 24 add punctuation (;) and insert instead
Jan Gugliotti made a motion seconded by Bev Howe to accept the August 13, 2025 ZBA meeting minutes as amended. Motion passed unanimously.

IV. COMMUNICATIONS
The Chair recapped some of the recent changes to the Planning and Zoning laws.

146 James Zablocki inquired if there would be value in putting something before the voters at town meeting
147 to address the need for clarity in the zoning ordinance. The Chair explained that there would be value
148 and the amendment should come from the Board. Bev Howe explained that there have been many
149 Chair's in the past who have made changes and she questioned if that is a good idea. The Chair stated
150 that she has been doing this for 6 years and this is the first time that an interpretation of the ordinance has
151 come before the ZBA. The Chair clarified that there is only one item in question.
152

153 Point of order was made by Andy Bodnarik via Zoom. He stated that he recently sent a document from
154 the Strafford County Regional Planning Commission that is synopsis of the land use changes.
155

156 **V. ADJOURN**

157 **Bev Howe made a motion seconded by Lucinda McQueen to adjourn the meeting. Motion passed**
158 **unanimously.**
159

160 The meeting adjourned at 8:14 PM.
161

162 Respectfully submitted by Tracy Doherty on 9/16/25



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1. Case Information

A. Case Number for original matter decided: _____

B. Date of decision by the Zoning Board of Adjustment: _____

C. Date request submitted: _____

2. Requestor [Information about the person who is requesting the rehearing]

Name: _____

Mailing Address: _____

Property address: _____

Phone: _____ Email: _____

You are:

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