



ATTORNEYS AT LAW

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June 25, 2026

Town of Warner
Zoning Board of Adjustment
Five East Main Street
P.O. Box 269
Warner, NH 03278

RE: Kearsarge Mountain Road – Map 31 Lot 48, Zoned R-3 (the “Property”)
Request for a Variance from Article XV Section A.2

Dear Zoning Board of Adjustment members:

Enclosed please find an **Application for a Variance** and supporting materials. We respectfully request that this application be placed on your August 12, 2026 agenda.

Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Laura J. Gandia". The signature is written in a cursive, flowing style.

Laura J. Gandia

/LJG

Enclosures

CC: Sydney E. Boyer

Applicant Name: Sydney Elizabeth Boyer
Parcel: Map: 31 Lot: 48

Application Checklist

Applications must be received 21 days prior to the next regular ZBA meeting

Have you included		Item	Land Use Office	
Yes	No		Yes	No
✓		Application fees paid		

Include 1 original and 8 copies of the following				
✓		Completed application for the type of appeal requested	✓	
✓	included	Owner Authorization Form, signed by all owners	✓	
N/A		If the application is based on a referral from the Select Board, the Planning Board, or a denial of a building permit from the Building Department it must be include with the application		✓
N/A		Other communication received from the Select Board, Planning Board, Building Department, or State agencies that pertains to the property (if applicable)		✓
✓		Current copy of the deed to verify owner(s) and easements	✓	
✓		List of all abutters within 200 feet of the boundaries, or with shared water frontage	✓	
✓	boundary plan	Plot plan as described below		
Plot plan shall include the following <u>drawn to scale</u>				
		Indicate where the site is located in Warner (locus map)		
N/A		Property boundary line measurements including setbacks on all sides and name of the frontage road.		
N/A		Include all existing structures, clearly indicate their dimensions, distance from other sturctures and from adjacent property lines measured from the roof overhang		
N/A		For a proposed structure, include all of the above plus a floor plan with dimensions (lengnth, width, height)		✓

Table Of Contents

Variance Application – Kearsarge Mountain Road

Exhibits

1. **Exhibit 1:** Application for a Variance and Variance Narrative
2. **Exhibit 2:** Fiduciary Deed: Katherine E. Hill Irrevocable Trust to Sydney Elizabeth Boyer dated January 31, 2020 recorded in Book 3676 Page 356; Deeds to and from Miriam E. Savory and Warner School District dated February 13, 1961 Right-of-Way from Warner School District to Miriam E. Savory dated June 9, 1961 “perpetual and unobstructed right of way to travel by any type of vehicle or in any other manner over and across land of Warner School District...); and Boundary Survey of Warner Elementary School dated August 1, 2001, recorded as Plan No. 16516
3. **Exhibit 3:** Abutter’s List
4. **Exhibit 4:** Existing Conditions Plan February 22, 2022
5. **Exhibit 5:** Pictures

EXHIBIT 1



TOWN OF WARNER

P.O. Box 265, 5 East Main St.
Warner, New Hampshire 03278-0059
Land Use Office: (603)456-2298 ex. 7
landuse@warnernh.gov

Application for Variance

The applicant hereby requests a Variance to the terms of:

Article: _____ XV _____ Section: _____ A.2. _____ of the Warner Zoning Ordinance

Applicant/Contact Person:

Name of Applicant: Sydney Elizabeth Boyer

Date: 05/18/26

Mailing Address: 70 Split Rock Road

Town: Warner

State: N.H.

Zip: 03287

Telephone: (603) 715-6377

Alternate: n/a

Email: aacc@comcast.net

Owner of Property:

Name of Owner: same as applicant

Date:

Mailing Address:

Town:

State:

Zip:

Telephone:

Alternate:

Email:

Location of Property:

Map#: 31

Lot#: 48

Zoning District: R-3

Address: Kearsage Mountain Road

Describe the request:

The lot is a non-conforming lot with no frontage. The lot enjoys a perpetual and unobstructed ROW

over and across the land of the Warner School District as shown on Plan #16516. The Owner seeks to

build a single-family residence which requires a variance.

Application for Variance

State in writing how the following conditions pertain to the property and be prepared to present the application at a public hearing. The burden of proof is on the applicant to show that all conditions have been met.

Warner Zoning Ordinance Article XVII and RSA 674:33

1. Granting the variance will not be contrary to the public interest because. See attached.

2. Granting the variance will not be contrary to the spirit of the ordinance. See attached.

3. By granting the variance substantial justice is done. See attached.

4. By granting the variance the value of surrounding properties are not diminished. See attached.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. See attached.

a. For purposes of this subparagraph, "unnecessary hardship" means 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 to the property; and
- ii. The proposed use is a reasonable one.

OR

b. If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, 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 it.

ALL APPLICABLE PAGES MUST BE COMPLETED TO BE ACCEPTED

Authorization from Owner(s):

1. I (We) hereby designate Laura Gandia, Esq. of Devine, Millimet _____ to serve as my (our) agent and to appear and present said application before the Warner Zoning Board of Adjustment [ZBA].
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 ZBA may at some point during the review process schedule a public site visit, which will be duly posted.
3. I (We) understand that the ZBA 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): *Sydney Boyer* Date: 5/15/26

Date: _____

Signature of Applicant(s)
if different from Owner: same Date: _____

Date: _____

Printed name of person(s) who signed above:

Sydney Elizabeth Boyer

For Zoning Board of Adjustment Use Only		
Assigned Case #: <u>2026-02</u>		
Date Received at Land Use Office: <u>06/29/26</u>		
Received by: <u>Land Use Coordinator, Margaret Bastian, To Judy Newman-Rogers</u>		
Fee Amount:	Cash:	Check #: <u>✓</u> Other: <u>(Given to Finance, 2 cks, 7/1/26)</u>
Abutter List Received: Yes: <u>✓</u> No: _____		
Date of Review:	Date of Hearing:	Date Approved:

Town of Warner Zoning Board of Adjustment Abutter(s) List

Please list all abutters within 200 feet of the boundaries of the property. Applicant must reference and follow stipulations on Page 3 of the Application Instructions. In addition to abutters, please include the names and addresses of the applicant, owner(s) of the subject property, and, as applicable, the owners' agent, engineer, land surveyor, architect, soil scientist, wetland scientist, and holders of conservation, preservation, or agricultural preservation restrictions.

Map: _____ Lot: _____ Name: _____ ** see attached list ** _____ Address: _____
Map: _____ Lot: _____ Name: _____ Address: _____
Map: _____ Lot: _____ Name: _____ Address: _____
Map: _____ Lot: _____ Name: _____ Address: _____
Map: _____ Lot: _____ Name: _____ Address: _____
Map: _____ Lot: _____ Name: _____ Address: _____
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Map: _____ Lot: _____ Name: _____ Address: _____

June 24, 2026

Town of Warner
Zoning Board of Adjustment
Five East Main Street
P.O. Box 269
Warner, NH 03278

RE: Kearsarge Mountain Road – Map 31 Lot 48, Zoned R-3 (the “Property”)
Request for a Variance from Article XV Section A.2

Dear Zoning Board of Adjustment members:

Please be advised that I represent Syndey Boyer, owner and applicant (the “Applicant”), of the Property with her request for a variance from Article XV Section A.2 to allow a one-family detached dwelling on a non-conforming lot with no frontage. The Property, a 24.7 acre parcel, enjoys a right-of-way granted to it by the Warner School District and/or Miriam E. Savory which was relocated in 2001 as shown on Pan No. 16516 recorded in the Merrimack County Registry of Deeds. Per the Town of Warner’s Zoning Ordinance, the Property is considered a non-conforming lot under Article XV Section A.2 which provides:

ARTICLE XV **Non-Conforming Use**

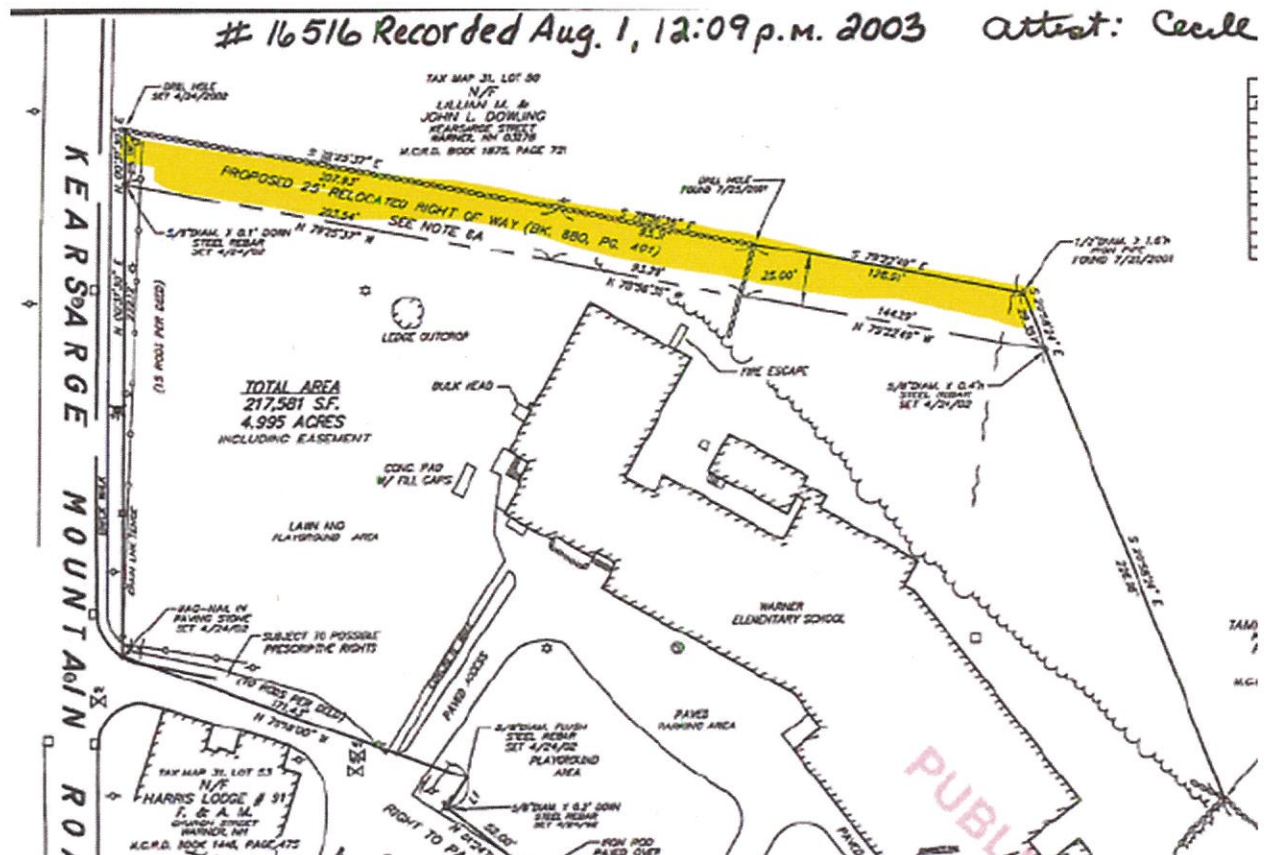
[Amended March 2024]

In accordance with Article IV, General Provisions, F., no permit for the erection, exterior alteration, moving or repair of any building shall be issued until an application has been made for the certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this ordinance.

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 owns 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.

The Applicant is proposing to construct a one-family detached dwelling which is permitted by right in the R-3 zoning district per TABLE 1 Use Regulations; however, due to the Property's non-conforming status, a variance is required. As previously stated, the Property enjoys a right-of-way along the northerly side of the Warner School District's property as shown below:



Prior to the filing of this application, the Applicant, through counsel, was in contact with the school district and its attorney, Peter Bronstein, to discuss the use of the right-of-way. The Applicant and the school district are in active discussions regarding the best way to proceed.

The Applicant has the burden of demonstrating that the request meets the five criteria as set forth in RSA 674:33.

RSA 674:33 Powers of Zoning Board of Adjustment. – provides:

- I. (a) The zoning board of adjustment shall have the power to:
 - (2) Authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:
 - (A) The variance will not be contrary to the public interest;
 - (B) The spirit of the ordinance is observed;
 - (C) Substantial justice is done;
 - (D) The values of surrounding properties are not diminished; and
 - (E) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
 - (b)(1) For purposes of subparagraph I(a)(2)(E), "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - (A) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
 - (B) The proposed use is a reasonable one.
 - 2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, 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 it.

A variance is a waiver of any provision of the ordinance authorizing the landowner to use his or her land in a manner that would otherwise violate the ordinance and may be granted by the board of adjustment on appeal. "Variances are included in a zoning ordinance to prevent the ordinance from becoming confiscatory or unduly oppressive as applied to individual properties uniquely situated." *Sprague v. Acworth*, 120 N.H. 641 (1980).

1. The variance will not be contrary to the public interest.

For the variance to be contrary to the public interest, it must unduly and to a marked degree violate the basic zoning objectives of the zoning ordinance. Would the variance alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public? The Property enjoys a 25-foot right-of-way ("ROW") over 14 Church Street which provides direct access to Church Street and Kearsarge Mountain Road and does not threaten the health, safety and welfare of the public. The ROW will be utilized by one single family residence located on 24 acres. The neighborhood is zoned for this use and said use is a primary use in the neighborhood. The addition of one single family home on a tucked away lot (not visible from the street) will not affect the character of the neighborhood.

2. The spirit of the ordinance is observed.

In Malachy Glen Associates, Inc. v. Town of Chichester, 155 NH 102 (2007), the supreme court stated that "[t]he requirement that the variance not be contrary to the public interest is related to the requirement that the variance be consistent with the spirit of the ordinance. . . . [T]o be contrary to the public interest... the variance must unduly, and in a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives. One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality... Another approach to [determine] whether granting the variance would violate basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare." (Internal citations and quotations omitted).

As stated above, the granting of the variance would not threaten the health, safety and welfare of the public nor would it alter the character of the neighborhood. Also, the granting of the variance would not violate the ordinance's basic objectives, as the granting would allow one single family home utilizing a pre-existing ROW providing access to Church Street and Kearsarge Mountain Road. The ROW is approximately 428 feet in length, and the structure will be placed on the lot in accordance with the Town's dimensional requirements thereby causing no harm and observing the spirit of the ordinance.

3. Substantial justice is done.

In satisfying this criterion, the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice. Any loss to the individual which is not outweighed by a gain to the general public is an injustice. The loss to the Applicant, of not having any reasonable use of her Property, is a great injustice and is certainly not outweighed by any benefit to the public. Without this variance, the Applicant has no viable use of her Property.

4. The values of surrounding properties are not diminished.

There is no diminution in the values of surrounding properties. The granting of the variance would permit one single family home on 24 acres which meets all other dimensional requirements in the R-3 district.

5. Literal enforcement of the provisions of the ordinance would result in

unnecessary hardship: "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(A) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property;

and

(B) The proposed use is a reasonable one.

The special conditions of the Property include it being one of the largest landlocked properties in the neighborhood with a right-of-way onto Kearsarge Mountain Road/Church Street. The Property, oddly shaped, is also encumbered by a utility easement bisecting midway through it.

Literal enforcement of the provisions of the ordinance on this Property would result in an unnecessary hardship as there is no fair and substantial relationship between the general public purpose of the ordinance and the specific application of it on the Property as the Property enjoys a ROW 25 feet in width and 428 feet long as its access to Church Street and/or Kearsarge Mountain Road. Proposed to be built on the Property is a single family

dwelling which will be positioned in accordance with all dimension requirements of the Town's zoning ordinance.

Without the granting of this variance, the Applicant is denied any meaningful use of her Property.

The proposed use of a single-family residence in the R-3 district where such use is allowed as a matter of right is a reasonable one.

2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, 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.

Denying the variance due to the special conditions described herein, denies the Applicant any reasonable use of the Property as the Property cannot be used reasonably used without it. The Property is considered a non-conforming lot whose use is prohibited by the terms of Section A.2 . The Applicant is proposing the construction of a structure for residential purposes which is prohibited by Section A.2. The Applicant cannot meet those criteria, and the granting of the variance is necessary for this use or any other reasonable use.

We believe we successfully demonstrated compliance with all five variance criteria and ask that the ZBA consider the granting of our variance application.

Thank you.

Sincerely,

Laura J. Gandia

Laura J. Gandia

/LJG

Enclosure

CC: Sydney Boyer

EXHIBIT 2

O. FRED Hill
'60 Old Denny Hill Rd.
Warner NH 03278

1530.00

FIDUCIARY DEED

26
2
25-
O. Fred Hill and Tammy J. Hill, Trustees of the Katherine E. Hill Irrevocable Trust, Under trust agreement dated December 11, 1998 with a mailing address of 60 Old Denny Hill Road, Warner, NH 03278, for consideration paid, (\$102,000.00 dollars) grants to Sydney Elizabeth Boyer, with a mailing address of 70 Split Rock Road, Warner, NH 03278:

A certain tract or parcel of land situate in the Town of Warner, County of Merrimack and State of New Hampshire, more particularly in Exhibit A attached hereto and made a part hereof.

Subject to any easements and restrictions of record.

Dated and signed this 31 day of January, 2020.

The Katherine E. Hill Irrevocable Trust

By: [Signature]
O. Fred Hill, Trustee

By: [Signature]
Tammy J. Hill, Trustee

State of New Hampshire
County of Merrimack, SS:

January 31 2020

Personally appeared O. Fred Hill and Tammy J. Hill, Trustees of the Katherine E. Hill Irrevocable Trust, known to me or satisfactorily proven to be the persons whose names are subscribed to the foregoing instrument and acknowledged executing the same as a free and voluntary act for the purposes therein contained.

Before me,

[Signature]
Justice of the Peace/Notary Public
My commission expires: 11-8-22



Exhibit A -Property Description

Grantor(s): O. Fred Hill and Tammy J. Hill, Trustees of the Katherine E. Hill Irrevocable Trust

Grantee(s): Sydney Elizabeth Boyer

Property

Address: Kearsarge Mountain Road, Warner, New Hampshire 03278
Reference Warner NH Tax Map 33 Lot 018 and Tax Map 31 Lot 048

A certain tract or parcel of land situate in the Town of Warner, County of Merrimack and State of New Hampshire, being bounded and described as follows:

Beginning at a concrete bound found on the easterly sideline of Kearsarge Mountain Road at land of Robert D and Roxana A. Smith;

Thence north 83° 39' 00" east a distance of 227.03 feet along said Smith land to a concrete bound found;

Thence turning and running north 11° 54' 10" west a distance of 119.41 feet along said Smith land to a concrete bound found;

Thence in a northwesterly direction a distance of 223.0 feet along a stone wall and land of John E. and Susan M. Dabuliewicz to an iron rod set, said point being the northwesterly corner of the within-described premises;

Thence turning and running in a northeasterly direction a distance of 618.1 feet along a stone wall and land of Gary J. Wischan and Laurie A. Prewandowski to an iron rod set, said point being the northeasterly corner of the within-described premises;

Thence turning and running in a southeasterly direction a distance of 497.0 feet along a stone wall and land of Susan R. and Phillip B. Stockwell to a drill hole found in a boulder;

Thence continuing in a southeasterly direction, a distance of 81.9 feet along said stone wall, a break in said stone wall and land of Walter E. and Joan A. Dawson to a drill hole found;

Thence continuing in a southeasterly direction, a distance of 119.8 feet along a stone wall and the remains of a stone wall and land of the Warner Fish & Game Club, Inc. to an iron pipe set;

Thence turning and running south 84° 15' east a distance of 212.9 feet along a wire fence to a point;

Thence south 59° 30' east a distance of 44.3 feet along a wire fence and said Warner Fish & Game Club, Inc. land to a point;

Thence south 4° 0' west a distance of 161.5 feet along said Warner Fish & Game Club, Inc. land to a point;

Thence south 6° 45' west a distance of 168.8 feet along a stone wall and said Warner Fish & Game Club, Inc. land to a point at the end of said stone wall;

Thence south 4° 30' west a distance of 263.1 feet along a wire fence and said Warner Fish & Game Club, Inc. land to an iron pipe found;

Thence south 3° 0' west a distance of 491.9 feet along land now or formerly of Lee and Edna Bartlett, partially along a wire fence and partially along a broken stone wall to a drill hole;

Thence south 39° 15' west a distance of 509.5 feet along said Bartlett land, partially along a wire fence and partially along a stone wall to a point;

Thence south 51° 0' west a distance of 178.2 feet along said Bartlett land and said stone wall to an iron pipe found at a corner of stone wall;

Thence turning and running north 48° 15' west a distance 242.7 feet along said Bartlett land to an iron pipe found at the end of said stone wall;

Thence north 20° 30' west a distance of 256.3 feet along land now or formerly of the Kearsarge Regional School

Thence north 79° 15' west a distance of 130.4 feet along said Kearsarge Regional School District land to a point at the corner of a stone wall;

Thence north 3° 45' west a distance of 260.4 feet along land now or formerly of William Dowling to an iron pipe found;

Thence continuing north 3° 45' west a distance of 361.8 feet partially along land now or formerly of Anthony D. Hamilton and partially along land now or formerly of Miriam E. Savory to an iron Pipe set in a stone wall;

Thence turning and running south 87° 45' east a distance of 326.6 feet along a stone wall and land now or formerly of George G. Nelson to a point at the corner of stone wall;

Thence turning and running north 0° 15' east a distance of 324.3 feet along a stone wall and said Nelson land to a point at an intersection of stone walls;

Thence north 3° 30' east a distance of approximately 87.94 feet along a stone wall and land of Dennis I. and Mary Ellen Hamilton to an iron pipe found;

Thence north 26° 23' 50" west a distance of 303.97 feet along land now or formerly of John R. Hill to an iron rod set in a drill hole in a stone wall;

Thence turning and running in a southwesterly direction a distance of 417.0 feet along a stone wall with a break to an iron rod set at the corner of stone wall on the easterly sideline of Kearsarge Mountain Road;

Thence turning and running north 04° 41' 30" west a distance of 171.25 feet along the easterly sideline of Kearsarge Mountain Road to the point of beginning.

Containing 35.3 acres more or less.

For reference see the following plans:

1. Plan entitled "Annexation John R. Hill Scale 1" = 50' 3/6/95", prepared by Bristol, Sweet & Associates, Inc. Land Surveyors-Civil Engineers, said plan being recorded in the Merrimack County registry of Deeds as Plan #13222.
2. Plan entitled "Forestland Survey for Hill Box Co., Inc. of Miriam E. Savory Prop. Warner, NH, Scale 1" = 100' June 1974", prepared by R.J. Natoli & CO., Inc.-Foresters and Surveyors.

Meaning and intending to describe and convey a portion of the same premises conveyed to O. Fred Hill and Tammy J. Hill, Trustees of the Katherine E. Hill Irrevocable Trust by deed of Beverly S. Hill and Douglas S. Hatfield, Trustees of the John R. Hill Trust dated May 19, 1999, and recorded in the Merrimack County Registry of Deeds Book 2156 Page 0634.

Also conveying to the within grantee, its successors and assigns, a right-of-way as described in deed of Warner School District to Miriam E. Savory, dated June 9, 1961, and recorded in Merrimack County Registry of Deeds at Book 880, Page 489, said right-of-way being relocated to run easterly from Kearsarge Mountain Road along the northerly stone wall of Simonds Elementary School by agreement between O. Fred Hill and Tammy J. Hill, Trustees of the Katherine E. Hill Irrevocable Trust and Kearsarge Regional School District as shown on Plan "Boundary Survey Of Warner Elementary School Scale 1" = 40' dated August 1, 2001" by Paul M. Darbyshire Associates, Gilmanton NH.

Subject to the right of A.C. Carroll heirs to a certain well on the premises as deeded by Dowlin and Cilley, dated April 21, 1896, and recorded in the Merrimack County Registry of Deeds at Book 275, Page 201.

Subject to the right of P.F. Clough and others owning wells on said premises, if any now existing, together with whatever rights pertaining thereto.

Subject to easement to Contoocook Electric Light Co., dated May 1, 1916 and recorded in the Merrimack County Registry of Deeds at Book 434, Page 519.

Subject to easement to Contoocook Electric Light Co., dated May 10, 1916 and recorded in the Merrimack County Registry of Deeds at Book 434, Page 520.

Subject to easements to Contoocook Electric Light Co., dated May 3, 1916 and recorded in the Merrimack County Registry of Deeds at Book 434, Page 523.

Trustees Certificate

The undersigned trustees as trustees under the Katherine E. Hill Irrevocable Trust dated December 11, 1998, and thereto have full and absolute power in said trust agreement to convey any interest in real estate and improvements thereon held in said trust agreement and no purchaser or third party shall be bound to inquire whether the trustees have said power or are properly exercising said power or to see the application of any trust asset paid to the trustees for conveyance thereof.



O. Fred Hill, Trustee



Tammy J. Hill, Trustee

State of New Hampshire

Merrimack, SS. December 12, A. D. 1960
Personally appeared Howard M. Halen and Nora M. Halen

known to me, or satisfactorily proven, to be the person s whose name s are
subscribed to the foregoing instrument and acknowledged that t he y executed the same for the
purposes therein contained.

Before me,

[Signature] Justice of the Peace.

Received and recorded June 15, 9-00 A.M. 1961

Kathleen M. Roy, Register

STATUTORY FORM
WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that the Warner School District now existing and being a consolidation of the former Warner High School District and the Warner Town School District, of the Town of Warner in the County of Merrimack and State of New Hampshire, by its School Board duly authorized by vote of said District at its Annual Meeting held March 14, 1961, for and in consideration of the sum of one dollar and other valuable consideration paid, grant to Miriam E. Savory of Warner, County and State aforesaid, with warranty covenants to the said Miriam E. Savory, and her heirs and assigns, a certain right of way situate on land in said Town of Warner, described and defined as follows:

A perpetual and unobstructed right of way to travel by any type of vehicle or in any other manner over and across land of the Warner School District by a roadway situate in the area between the new annex to high school building constructed in 1959-1960 and the gymnasium building, and said right of way extending from land of the said Miriam E. Savory to High School Street, otherwise known as Church Street, together with the privilege of sharing in common with the Warner School District the right to pass over the northerly end of land presently owned by Harris Lodge No. 91, A. F. & A. M.

For title reference see deed of the Trustees of the Simonds High School Fund, Inc., to Warner High School District, dated April 16, 1938, and recorded in Merrimack County Registry of Deeds, Lib. 561, Fol. 128.

IN WITNESS WHEREOF, the Warner School District by its School Board, Helen L. Dall, Elmer J. Bartlett and Donald E. Peirce, duly authorized, have hereunto subscribed to this instrument for and in the name of the said Warner School District, this 9th day of June 1961.

Total consideration for this conveyance is less than \$100.00.

489

Signed, sealed and
delivered in the
presence of:

WARNER SCHOOL DISTRICT

By Helen L. Dall

Elmer J. Bartlett

Donald E. Peirce
Members of the School Board

STATE OF NEW HAMPSHIRE

COUNTY OF MERRIMACK SS.

On this the 9th day of June 1961, before me,
WALTER P. MINER the undersigned officer,
personally appeared Helen L. Dall, Elmer J. Bartlett and Donald
E. Peirce, who acknowledged themselves to be the members of the
School Board of the Warner School District, and they as such
being authorized so to do, executed the foregoing instrument
for the purposes therein contained, by signing the name of
the Warner School District by themselves as members of the
School Board.

IN WITNESS WHEREOF I have hereunto set my hand and official
seal.

[Signature]
Notary Public

My Commission expires November 30, 1965

Received and recorded June 15, 9-00 A.M. 1961

Kathleen M. Roy, Register

Signed, sealed and
delivered in the
presence of:

WARNER SCHOOL DISTRICT

By Helen L. Dall
Elmer J. Bartlett
Donald E. Peirce
Members of the School Board

STATE OF NEW HAMPSHIRE

COUNTY OF MERRIMACK SS.

On this the 9th day of June 1961, before me,
WALTER P. MINER the undersigned officer,
personally appeared Helen L. Dall, Elmer J. Bartlett and Donald
E. Peirce, who acknowledged themselves to be the members of the
School Board of the Warner School District, and they as such
being authorized so to do, executed the foregoing instrument
for the purposes therein contained, by signing the name of
the Warner School District by themselves as members of the
School Board.

IN WITNESS WHEREOF I have hereunto set my hand and official
seal.

[Signature]
Notary Public

My Commission expires November 30, 1965

Received and recorded June 15, 9-00 A.M. 1961

Kathleen M. Roy, Register

Know all Men by these Presents,

That I, Miriam E. Savory, single, of Warner in the County of Merrimack
and State of New Hampshire,

for and in consideration of the sum of Two Hundred Dollars

to me in hand before the delivery hereof, well and truly paid by Warner School District of the
Town of Warner, County and State aforesaid,
the receipt whereof I do hereby acknowledge, have granted, bargained, and sold, and by these pres-
ents do give, grant, bargain, sell, alien, enfeof, convey, and confirm unto the said Warner School District

and its successors ~~here~~ and assigns forever, a certain tract of land
situate in the Town of Warner, County of Merrimack and State of New
Hampshire, bounded and described as follows, to wit:

Beginning at a stone and iron pin at the northeast corner of the
Cogswell lot, so-called, now owned by Simonds Free High School Association,
Inc., which point also being south eighty-two (82) degrees east one hundred
thirty-three (133) feet from the northeast corner of the original high
school building lot; thence south nineteen (19) degrees east two hundred
fifty-six (256) feet to an iron pipe in stone wall at corner of land once

490

owned by the late John E. Robertson, now or formerly owned by Harry Webster and Olive Webster, and which point also being the northeast corner of land formerly owned by Oliver G. Harris, now owned by the said Warner School District; thence by stonewall next to land of the said Warner School District westerly and southwesterly to the highway near the site of the Masonic Building; thence westerly one (1) rod to the south corner of the original high school building lot; thence northerly by said school lot to stake standing in the wall thirty-seven (37) feet easterly of the original high school building; thence easterly one hundred thirty-three (133) feet by land formerly of the late John R. Cogswell, now owned by the said Simonds Free High School Association, Inc., to stake and stones; thence northerly by land formerly of said Cogswell, now owned by said Simonds Free High School Association, Inc., one hundred sixty (160) feet to the point of beginning.

Excepting and reserving from this conveyance whatever well or wells, if any, located on the herein described premises, together with whatever right of ways across said premises, if any exist, to any well or wells located hereon or on other land of the grantor adjoining this tract of land and not conveyed by this deed.

Reserving to the grantor, and her heirs and assigns, a right of way across the land herein conveyed, such right of way being located easterly of the new annex to the original high school building constructed 1959-1960.

Meaning and intending hereby to convey, subject to the aforesaid reservations, a portion of that tract of land as conveyed to me by deed of Fred A. Savory & wife, dated March 23, 1932, and recorded in Merrimack County Registry of Deeds, Vol. 523, Page 254.

TO HAVE AND TO HOLD the said granted premises, with all the privileges and appurtenances to the same belonging to the said Warner School District

~~and~~ and its successors ~~here~~ and assigns, to it and its only proper use and benefit forever. And I the said Miriam E. Savory for myself and my heirs, executors and administrators, do hereby covenant, grant, and agree to and with the said Warner School District and its successors

~~and~~ and assigns, that until the delivery hereof I am the lawful owner of the said premises, and am seized and possessed thereof in my own right in fee simple: and have full power and lawful authority to grant, and convey the same in manner aforesaid; that the said premises are free and clear from all and every incumbrance whatsoever, except as previously stated herein,

and that I and my heirs, executors, and administrators shall and will warrant and defend the same to the said Warner School District

and its successors ~~here~~ and assigns against the lawful claims and demands of any person or persons whomsoever.

~~And I~~ ~~in consideration aforesaid, do hereby relinquish right of~~ ~~in the before mentioned~~ ~~premises.~~

And ~~we and each of us~~ do hereby release all rights of HOMESTEAD secured to ~~us~~ ^{me} ~~or either~~ ~~of us~~, by Chapter 260 of the Revised Laws of New Hampshire or by any other statute or statutes of said State.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 13th., day of February in the year of our Lord, one thousand nine hundred and sixty-one.

Signed, sealed and delivered in presence of

Thomas M. Husley

Miriam E. Savory
Miriam E. Savory

BK880

491

State of New Hampshire

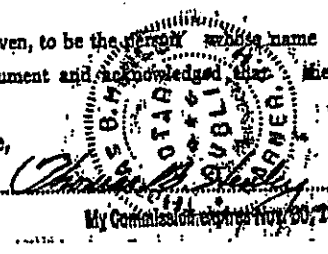
MERRIMACK

SS. February 13, A. D. 1961.

Personally appeared Miriam E. Savory

known to me, or satisfactorily proven, to be the person whose name is
subscribed to the foregoing instrument and acknowledged that she executed the same for the
purposes therein contained.

Before me,

A circular notary seal for the State of New Hampshire, containing the text "NOTARY PUBLIC STATE OF NEW HAMPSHIRE".

My Commission Expires Nov 30, 1961 Notary Public

Received and recorded June 15, 9-00 A.M. 1961

Kathleen M. Roy, Register

165

PUBLIC RECORD

EXHIBIT 3



200 feet Abutters List Report

Warner, NH
June 24, 2026

Subject Property:

Parcel Number: 31-48
CAMA Number: 31-48
Property Address: KEARSARGE MTN ROAD

Mailing Address: BOYER, SYDNEY ELIZABETH
70 SPLIT ROCK ROAD
WARNER, NH 03278

Abutters:

Parcel Number: 14-42
CAMA Number: 14-42
Property Address: 7 BARTLETT LOOP

Mailing Address: WARNER FISH & GAME
PO BOX 58
WARNER, NH 03278

Parcel Number: 14-47-1
CAMA Number: 14-47-1
Property Address: 33 BARTLETT LOOP

Mailing Address: DAWSON JR, WALTER E DAWSON,
DIANE L
33 BARTLETT LOOP
WARNER, NH 03278

Parcel Number: 30-10
CAMA Number: 30-10
Property Address: 33 SCHOOL STREET

Mailing Address: BLANCHETTE, TAYLOR BLANCHETTE,
KRISTINE & HAROLD
21 SCHOOL STREET
WARNER, NH 03278

Parcel Number: 30-11
CAMA Number: 30-11
Property Address: 35 SCHOOL STREET

Mailing Address: ESOLEN FAMILY REV TRUST ESOLEN,
ANTHONY M & DEBRA, TTE
35 SCHOOL STREET
WARNER, NH 03278

Parcel Number: 30-12
CAMA Number: 30-12
Property Address: 37 SCHOOL STREET

Mailing Address: CHAFFEE, ARLON A CHAFFEE,
MARGARET K
37 SCHOOL STREET
WARNER, NH 03278

Parcel Number: 30-13
CAMA Number: 30-13
Property Address: 41 SCHOOL STREET

Mailing Address: CICORIA, LISA RENA
41 SCHOOL STREET
WARNER, NH 03278

Parcel Number: 30-15
CAMA Number: 30-15
Property Address: 53 SCHOOL STREET

Mailing Address: PUBLIC SERVICE CO. OF NH
P O BOX 270
HARTFORD, CT 06141

Parcel Number: 30-16
CAMA Number: 30-16
Property Address: 7 PUMPKIN HILL ROAD

Mailing Address: HARTMAN, DAVID & LINDA
7 PUMPKIN HILL ROAD
WARNER, NH 03278

Parcel Number: 30-6
CAMA Number: 30-6
Property Address: 15 SCHOOL STREET

Mailing Address: MCLAUGHLIN REVOC LIVING TRUST
MCLAUGHLIN, JAMES F & MARGARE
15 SCHOOL STREET
WARNER, NH 03278

Parcel Number: 30-7
CAMA Number: 30-7
Property Address: 21 SCHOOL STREET

Mailing Address: BLANCHETTE, KRISTINE F
BLANCHETTE, HAROLD L
21 SCHOOL STREET
WARNER, NH 03278



www.cai-tech.com

6/24/2026

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Page 1 of 3



200 feet Abutters List Report

Warner, NH
June 24, 2026

Parcel Number: 30-8 CAMA Number: 30-8 Property Address: 25 SCHOOL STREET	Mailing Address: MARTIN, NANCY R 1994 TRUST MARTIN, NANCY R TRUSTEE 25 SCHOOL STREET WARNER, NH 03278
Parcel Number: 30-9 CAMA Number: 30-9 Property Address: 27 SCHOOL STREET	Mailing Address: ROOD, RHONDA TTEE RHONDA ROOD REVOCABLE TRUST 27 SCHOOL STREET WARNER, NH 03278
Parcel Number: 31-46 CAMA Number: 31-46 Property Address: 50 KEARSARGE MTN ROAD	Mailing Address: SCOTT, TIMOTHY A SCOTT, STACEY P 50 KEARSARGE MOUNTAIN ROAD WARNER, NH 03278
Parcel Number: 31-46-1 CAMA Number: 31-46-1 Property Address: 56 KEARSARGE MTN ROAD	Mailing Address: REIDY, DANIEL F LORD, MARGARET K 56 KEARSARGE MOUNTIAN ROAD WARNER, NH 03278
Parcel Number: 31-47 CAMA Number: 31-47 Property Address: 42 KEARSARGE MTN ROAD	Mailing Address: BROWN, RICHARD & SHIRLEY LIVIN BROWN, RICHARD D & SHIRLEY E T 42 KEARSARGE MOUNTAIN ROAD WARNER, NH 03278
Parcel Number: 31-49 CAMA Number: 31-49 Property Address: 36 KEARSARGE MTN ROAD	Mailing Address: ALMANZAR, JORDAN ALMANZAR, KRISTEN 36 KEARSARGE MOUNTAIN ROAD WARNER, NH 03278
Parcel Number: 31-50 CAMA Number: 31-50 Property Address: 32 KEARSARGE MTN ROAD	Mailing Address: DOWLING, JOHN BASTIEN, MARGARET A 32 KEARSARGE MOUNTAIN ROAD WARNER, NH 03278
Parcel Number: 31-51 CAMA Number: 31-51 Property Address: 14 CHURCH STREET	Mailing Address: KEARSARGE SCHOOL DISTRICT 14 CHURCH STREET WARNER, NH 03278
Parcel Number: 31-58 CAMA Number: 31-58 Property Address: 15 EAST MAIN STREET	Mailing Address: BROADLEAF NORTH LLC 648 PUMPKIN HILL ROAD WARNER, NH 03278
Parcel Number: 31-59 CAMA Number: 31-59 Property Address: 17 EAST MAIN STREET	Mailing Address: FRESHGOLD, LLC 340 WEST JOPPA ROAD WARNER, NH 03278
Parcel Number: 31-61 CAMA Number: 31-61 Property Address: 21 EAST MAIN STREET	Mailing Address: BEAUCHEMIN FAMILY RECOVABLE TR BEAUCHEMIN, CHRISTIAN & SARAH PO BOX 574 WARNER, NH 03278
Parcel Number: 31-62 CAMA Number: 31-62 Property Address: 11 PUMPKIN HILL ROAD	Mailing Address: JENNA, REX & SUSAN FAMILY REV JENNA, REX & SUSAN TTEE 11 PUMPKIN HILL ROAD WARNER, NH 03278



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200 feet Abutters List Report

Warner, NH
June 24, 2026

Parcel Number: 31-63-1 CAMA Number: 31-63-1 Property Address: PUMPKIN HILL ROAD	Mailing Address: ANDERSON III, HARRY F CANFIELD, KARI L 139 ROLFE POND DRIVE HOPKINTON, NH 03229
Parcel Number: 31-63-2 CAMA Number: 31-63-2 Property Address: 21 PUMPKIN HILL ROAD	Mailing Address: JENNA, REX & SUSAN FAMILY REV JENNA, REX & SUSAN TTEE 11 PUMPKIN HILL ROAD WARNER, NH 03278
Parcel Number: 31-63-3 CAMA Number: 31-63-3 Property Address: PUMPKIN HILL ROAD	Mailing Address: WARNER, TOWN OF PO BOX 265 WARNER, NH 03278
Parcel Number: 31-64 CAMA Number: 31-64 Property Address: 29 PUMPKIN HILL ROAD	Mailing Address: ANDERSON JR, HARRY & WANDA 29 PUMPKIN HILL ROAD WARNER, NH 03278
Parcel Number: 33-18 CAMA Number: 33-18 Property Address: KEARSARGE MTN ROAD	Mailing Address: BOYER, SYDNEY ELIZABETH 70 SPLIT ROCK ROAD WARNER, NH 03278
Parcel Number: 33-19 CAMA Number: 33-19 Property Address: 64 KEARSARGE MTN ROAD	Mailing Address: FISHER, LOUIS & PATRICIA REV F FISHER, LOUIS & PATRICIA TTEE 64 KEARSARGE MOUNTAIN ROAD WARNER, NH 03278
Parcel Number: 33-20 CAMA Number: 33-20 Property Address: 58 KEARSARGE MTN ROAD	Mailing Address: HAMILTON, DENIS & MARY ELLEN 58 KEARSARGE MOUNTAIN ROAD WARNER, NH 03278



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6/24/2026

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Page 3 of 3

EXHIBIT 4

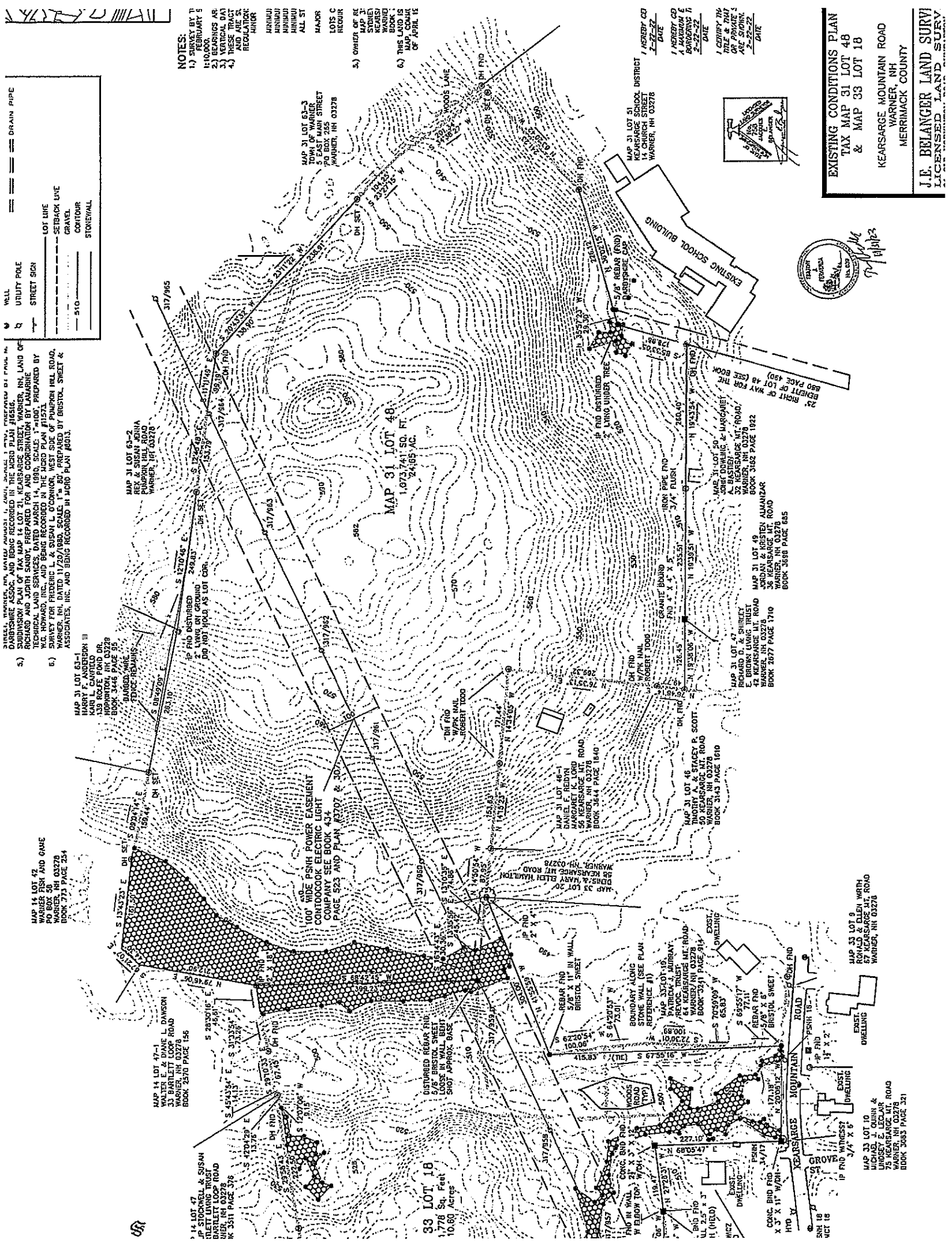


EXHIBIT 5







ATTORNEYS AT LAW

BETH MORRISON
T 603.695.8730
BMORRISON@DEVINEMILLIMET.COM

RECEIVED

JUN 29 2026

WARNER LAND USE

June 25, 2026

VIA Fed Ex 8735 6831 7023

Town of Warner
Attn: Zoning Board of Adjustment
5 East Main Street
P.O. Box 265
Warner, NH 03278

RE: Kearsage Mountain Road – Map 31 Lot 48, Zoned R-3, request for a variance

To Whom It May Concern:

Enclosed please find one (1) original and eight (8) copies of a variance application for the above referenced property. Also included are checks for the fees: \$50.00 for the application fee, \$125.00 for newspaper notification and \$450.00 for abutter notification totaling \$625.00. We issued check #52051 in the amount of \$445.00 and check 52375 in the amount of \$180.00 to total \$625.00.

If there are any concerns or questions, email or call me.

Very truly yours,

Beth Morrison

Beth C. Morrison
Legal Assistant to Laura Gandia, Esq.

Enclosures

Jordan and Kristen Almanzar
36 Kearsarge Mountain Road
Warner, NH 03278

Beauchemin Family Revocable Trust
Christian & Sarah Beauchemin
P.O. Box 574
Warner, NH 03278

Sydney Boyer
70 Split Rock Road
Warner, NH 03278

Arlon & Margaret Chaffee
37 School Street
Warner, NH 03278

John Dowling & Margaret Bastein
32 Kearsarge Mountain Road
Warner, NH 03278

Freshgold, LLC
340 West Joppa Road
Warner, NH 03278

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Rex & Susan Jenna
11 Pumpkin Hill Road
Warner, NH 03278

McLaughlin Revocable Living Trust
James & Margaret
15 School Street
Warner, NH 03278

Rhonda Rood Revocable Trust
Rhona Rood, Trustee
27 School Street
Warner, NH 03278

Town of Warner
P.O. Box 265
Warner, NH 03278

Harry Anderson, III
Karl Canfield
139 Rolfe Pond Drive
Hopkinton, NH 03229

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21 School Street
Warner, NH 03278

Broadleaf North, LLC
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Warner, NH 03278

Lisa Rena Cicoria
41 School Street
Warner, NH 03278

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Anthony & Debra Esolen
35 School Street
Warner, NH

Denis & Mary Ellen Hamilton
58 Kearsarge Mountain Road
Warner, NH 03278

Kearsarge School District
14 Church Street
Warner, NH 03278

Public Service Co. of NH
P.O. Box 270
Hartford, CT 06141

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Nancy R Marting 1994 Trust
Nancy R Martin, Trustee
25 School Street
Warner, NH 03278

Daniel Reidy & Margaret Lord
56 Kearsarge Mountian Road
Warner, NH 03278

Warner Fish & Game
P.O. Box 58
Warner, NH 03278

Devine, Millimet & Branch, P.A.
Attn: Laura Gandia, Esq.
111 Amherst Street
Manchester, NH 03101

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