



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 SPECIAL EXCEPTION

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	\$7.00
Commercial	\$100.00	Applicant Notification	\$7.00

- * 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: Tyler McIver d/b/a Tyler Lawn Care			Date:
Applicant Mailing Address: P.O. Box 90			
Town:	Warner	State:	NH
Zip:	03278		
Telephone	Primary: 456-2063	Alternate:	
Owner of Property Information			
Name of Owner: Tyler McIver			Date:
Owner Mailing Address: 35 Ring Hill Road			
Town:	Bradford	State:	NH
Zip:	03221		
Telephone	Primary: 608-5912	Alternate:	
Location and Description of Property			
Map #: 16	Lot #: 61	Zoning District: R-2	
Address: Bagley Hill Road & NH Route 103			
Proposed Use:			
The Applicant is proposing to construct a new commercial building on this property to be used for his landscaping business.			
Details of Request: <i>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)</i>			
The Applicant is proposing to construct a commercial building on the property which shall be used as the professional offices for his landscaping business. The Applicant is also proposing to store landscaping materials, such as rocks, bark mulch and loam, on the property. The business shall not be a retail operation, but instead, the work will be performed off site. The anticipated hours are Monday through Friday, 7:30am to 5pm and some Saturdays.			

ALL APPLICABLE PAGES MUST BE COMPLETED TO BE ACCEPTED

The undersigned hereby requests a **SPECIAL EXCEPTION** to the terms of:

Article: VI.B Table I, Use Regulations, Section: Wholesale, Transportation, and Industrial, Section 6, Open Storage of raw materials of the Warner Zoning Ordinance

For a Special Exception to be granted, the following conditions must be met:

Explain in writing how your project meets each of the following conditions (on separate paper if needed). The applicant seeking a special exception must be prepared to prove these conditions at the Public Hearing. (For more information reference the Warner Zoning Ordinance Article XVII and RSA 674:33.)

A. The use requested is identified in the Zoning Ordinance as one which may be approved by the Zoning Board in the district for which the application is made:

The use is expressly permitted in the R-2 District by Special Exception under Table I, Use Regulations, Wholesale, Transportation and Industrial, Section 6. In fact, this type of use is only permitted in two zoning districts within the Town, both of which are by Special Exception, with the R-2 zone being one of them.

B. The requested use is essential or desirable to the public convenience or welfare:

Pursuant to the express language in the Zoning Ordinance, the Medium Density Residential District R-2 permits the business being proposed by the Applicant by Special Exception. The outside storage being proposed in connection with the business is not only permitted by Special Exception, but specifically anticipated for this area in the Zoning Ordinance. In fact, the R-2 zone is one of the two zoning districts that allows such a use. As such, it is deemed to be essential to the public and is consistent with the intent of the Zoning Ordinance to encourage commercial uses within the Town. The outside storage of landscaping materials in connection with a landscaping business is desirable for this area and consistent with the adjoining zone in the Town of Bradford.

C. The requested use will not impair the integrity or character of the district or adjoining district, nor be detrimental to the health, morals, or welfare:

The proposed use of the property is for a landscaping business. The property shall be used to house the business offices for the company and the business equipment. In connection with the business, the Applicant is proposing to store landscaping materials, such as rocks, bark mulch and loam, on the property. The zoning district that adjoins the property in Bradford is the Residential/Business District which permits businesses. The property is also located along NH Route 103, a state highway, which houses several businesses along its corridor, including a veterinary clinic and a feed store about 1/4 mile away. This use shall not have any adverse impact on the area or on the health, morals or welfare of the district.


D. OC-1 and OR-1 districts only: Use of structure must conform to road access and availability of all services to that parcel at the time the Special Exception is requested:

Not applicable. The property is located in the R-2 district.

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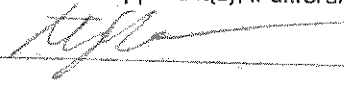
Authorization from Owner(s):

1. I (We) hereby designate Maria T. Dolder, Esquire 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): 

Date: 4-22-21

Date: _____

Signature of Applicant(s), if different from Owner: 

Date: _____

Date: 4-22-21

Printed name of person(s) who signed above:

Tyler McIver, Owner
Tyler McIver d/b/a Tyler Lawn Care, Applicant

For Zoning Board of Adjustment Use Only			
Assigned Case #:			
Date Received at Land Use Office:			
Received by: <u>Jamie L. HoZ</u>		Ref. Previous Spec. Except.	
Fees Submitted:		combined fee +	
Amount:		charged 1 fee for	
Cash:	Check #:	Other: <u>2 applications.</u>	
Abutters' List Received:		Yes	No
Date of Review:	Date of Hearing: <u>5/12/2021</u>	Date Approved:	

Applicant's Checklist

Have you included		Item	Land Use Office finds	
Yes	No		Yes	No
X		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.		
X		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.		
X		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)		
X		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. 		
X		<ul style="list-style-type: none"> Show for the "lot of record" the boundary lines with footage on all sides. 		
X		<ul style="list-style-type: none"> A copy of the lot's deed (to verify Owner). 		
X		<ul style="list-style-type: none"> Name of the road the lot fronts on. 		
X		<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. 		
X		<ul style="list-style-type: none"> For a proposed structure, include all of the above a floor plan with dimensions, (length, width, and height). 		
X		The applicant has paid fees (see application for specific fees). Check made out to the Town of Warner .		
X		Application must be received 15 days prior to the next ZBA meeting.		
X		All property owners must sign the application.		
X		Authorization from Owner must be signed to designate someone to speak on behalf of the property owner(s). (If applicable)		

ALL APPLICABLE PAGES MUST BE COMPLETED TO BE ACCEPTED

ALL COSTS OF MAILING BY CERTIFIED MAIL, FEES, AND LEGAL ADVERTISEMENT IN A NEWSPAPER MUST BE PAID BY APPLICANT BEFORE THE HEARING MAY BEGIN.

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 in the Abutter(s) List Instructions
on Page 3, item numbers 10.a. through 10.d. of the Application Instructions.

Bradford

Map 03	Name: Richard Scott & Kathleen K. Holmes
Lot 058	Address: PO Box 1761, Derry, NH 03038
Map 03	Name: Louise & John Elkaliouby
Lot 059	Address: 62 Melvin Mills Road, Bradford, NH 03221
Map 03	Name: Preston & Meagon M. Starr
Lot 055	Address: 32 Bagley Hill Road, PO Box 114, Bradford, NH 03221
Map 16	Name: Anthony Russo & Ian Kane
Lot 63	Address: 53 Bagley Hill Road, Warner, NH 03278
Map 16	Name: Christopher Mock
Lot 60	Address: 142 Fairgrounds Road, Bradford, NH 03221
Map 16	Name: Town of Warner
Lot 62	Address: 5 East Main Street, PO Box 265, Warner, NH 03278
Map 16	Name: Jonathan P. Barry
Lot 47	Address: 22 Stagecoach Loop, Warner, NH 03278
Map 16	Name: Jonathan P. Barry
Lot 47-1	Address: 22 Stagecoach Loop, Warner, NH 03278
Map 16	Name: Julia Whitney & Jared Scholand
Lot 50	Address: 55 Mascoma Street, Apt. 1, Lebanon, NH 03766
Map 16	Name: David R. Brasher, Jr.
Lot 59	Address: PO Box 271, Warner, NH 03278
Map 03	Name: Jonathan & Lynn Kimball
Lot 056	Address: 1364 Old Hillsboro Road, Henniker, NH 03242

Bradford

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

Map	Name: Town of Warner, Planning Board
Lot	Address: 5 East Main Street, PO Box 265, Warner, NH 03278
Map	Name: State of New Hampshire, Department of Transportation
Lot	Address: 7 Hazen Drive, Concord, NH 03301
Map	Name: Town of Bradford, Board of Selectmen
Lot	Address: 134 East Main Street, PO Box 436, Bradford, NH 03221
Map	Name: Tyler McIver
Lot	Address: 35 Ring Hill Road, Bradford, NH 03221
Map	Name: Tyler McIver d/b/a Tyler Lawn Care
Lot	Address: PO Box 90, Warner, NH 03278
Map	Name: Anthony Costello, PE
Lot	Address: A.C. Engineering & Consulting, 43 Beaver Hill Rd, East Washington, NH 03280
Map	Name: Maria T. Dolder, Esquire
Lot	Address: Hebert & Dolder, PLLC, 95 North State Street, Concord, NH 03301
Map	Name: Town of Warner, Board of Selectmen
Lot	Address: 5 East Main Street, PO Box 265, Warner, NH 03278
Map	Name:
Lot	Address:
Map	Name:
Lot	Address:
Map	Name:
Lot	Address:
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Lot	Address:
Map	Name:
Lot	Address:
Map	Name:
Lot	Address:

Return To:
Tyler McIver
35 Ring Hill Road
Bradford, NH 03221

Transfer Tax: \$

825-

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That, **Ernst M. Bewersdorf**, married with a mailing address of 601 Sugar Hill Road, Hopkinton, NH 03229, **Frederick A. Bewersdorf, Jr.**, married with a mailing address of 14 Patricia Lane, Amherst, NH 03060 and **Paul E. Bewersdorf**, married, with a mailing address of 17 South London Drive, Nashua, NH 03062, for consideration paid grant(s) to **Tyler McIver**, individually, with a mailing address of 35 Ring Hill Road, Bradford, NH 03221, with WARRANTY COVENANTS:

A certain tract or parcel of land with any buildings which may be thereon, all situated in the Town of Warner, County of Merrimack, State of New Hampshire, 03278, shown as Lot 61 of Map 16 of Property Survey for Frederick Bewersdorf by Ernest E. Veinotte in May, 1991, recorded in the Merrimack County Registry of Deeds as Plan #12154, said Lot 61 being bounded on the North by land now or formerly of E. Brunetta (Lot 63); on the East by land now or formerly of C. Mock (Lot 60); on the South by land abutting Route 103; and on the West by Bagley Hill Road.

Meaning and intending to describe and convey the same premises as conveyed to Ernst M. Bewersdorf and Frederick A. Bewersdorf, Jr. and Paul E. Bewersdorf by virtue of a deed dated February 6, 1992 recorded in the Merrimack County Registry of Deeds at Book 1877, Page 112.

Property is not homestead property.

Executed this 27th day of OCTOBER, 2020.

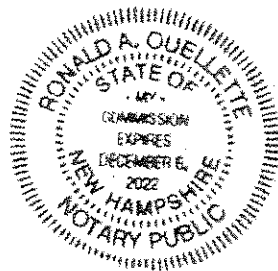
Ernst M. Bewersdorf
Ernst M. Bewersdorf

Frederick A. Bewersdorf, Jr.
Frederick A. Bewersdorf, Jr.

Paul E. Bewersdorf
Paul E. Bewersdorf

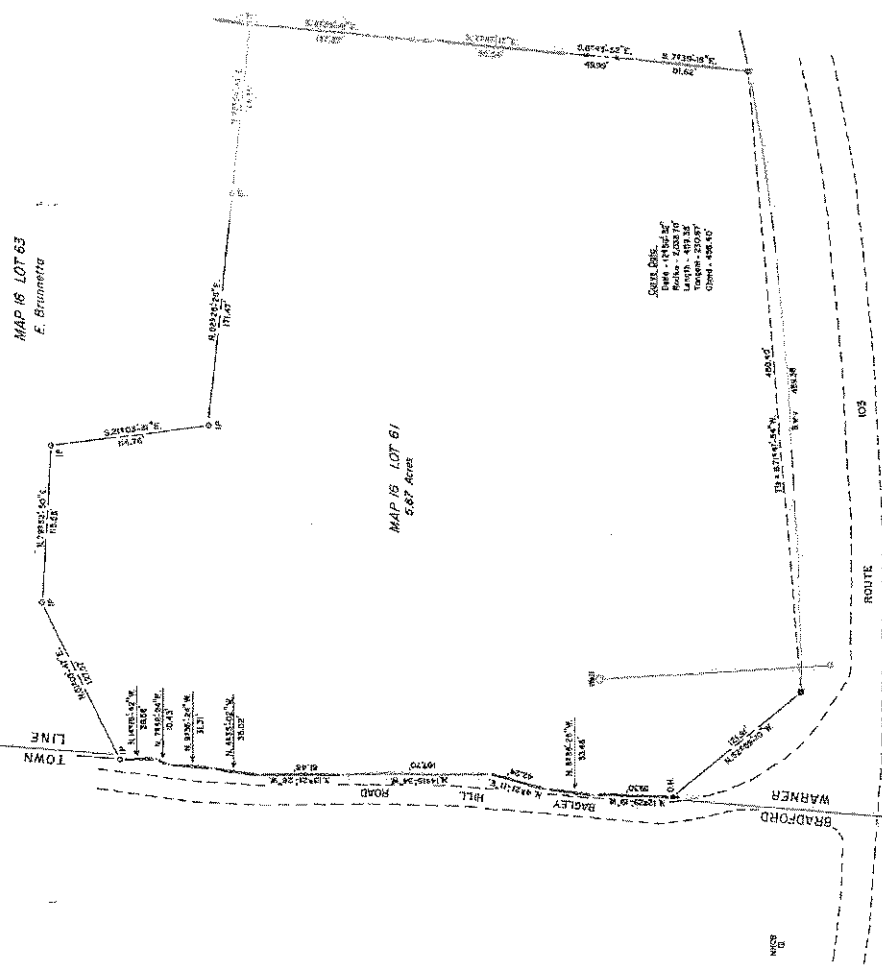
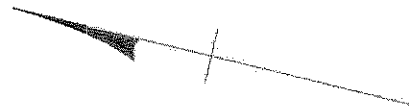
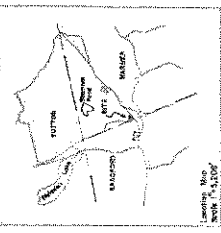
State of New Hampshire
County of Merrimack

Personally appeared the above named Ernst M. Bewersdorf and Frederick A. Bewersdorf, Jr. and Paul E. Bewersdorf, before me this 27th day of OCTOBER, 2020, known to be the person(s) whose name(s) are subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.



Ronald A. Ouellette
Notary Public/Justice of the Peace
My Commission Expires:

#12104 Recorded Aug. 12, 11:45 AM 1991
 Drawn: Francis P. Army, Registrar



Corner Oak
 Marked by
 Rock - 2.00 x 1.00
 Length - 400
 Width - 200
 Area - 80,000

Surveyed & Plotted by S.P. BEEY
 R.F.O. 2, Box 239, ERSOBI, N.J.
 Book 28, Page 88-79
 Control - Reserve Accuracy - 1:20,277
 Vertical - 1:40,554
 1/4" = 100 Feet
 W- Stone Brand 111
 401K - 200 (400 ft)

Surveyed by	ERNEST E. VEHOITE
Plotted by	R.F.O. 2, Box 239, ERSOBI, N.J.
Location	WARNER
Title	PROPERTY SURVEY
Date	MAP 16 LOT 61
Scale	1/4" = 100 Feet
Sheet No.	98-2-456,720

I certify that this survey was taken in accordance with the provisions of the laws of the State of New Jersey and that the same is a true and correct copy of the original as the same appears on the books of the Registrar of Deeds for the County of Hudson, New Jersey.

Francis P. Army
 Registrar