



TOWN OF WARNER

P.O. Box 59

Warner, New Hampshire 03278-0059

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Zoning Board of Adjustment

NOTICE OF DECISION

Date of Decision: January 10, 2018

SPECIAL EXCEPTION APPLICATION - Case: ZBA 2017-01-02 Special Exception

Applicant: Dragonfly Holdings, LLC

Property Owner: Dragonfly Property Management, LLC

Property Location: Warner Road, Map 3 Lot 33, Zoning District C-1 **Description:** The application will be reviewed in accordance with the Merrimack County Superior Court order dated July 28, 2017 in the Zoning Board of Adjustment appeal of Warner Road Holdings, LLC v. Town of Warner, Docket 217-2017-CV-00199. Special Exception to Zoning Article XI.B, Use Table Retail and Services Number 20 Other amusements and recreation services, indoor.

Proposed use: Indoor gun range and retail store

You are hereby notified that on January 10, 2018, the Warner Zoning Board of Adjustment voted to Deny your request for a Special Exception in accordance with Article XVII E, regarding Warner Zoning Ordinance Article XI.B, Use Table Retail and Services Number 20, Other amusements and recreation services, indoor, by a 3-2 vote following a Public Hearing, for failing to meet 2 of the 4 criteria for a special exception. The reasons for the Board's decision are listed below:

- A. Concerning Article XVII.E.1.a., the board found that the use requested is identified in the Use Table of the Zoning Ordinance as a Special Exception in that respective zoning district, or as otherwise stated in the Zoning Ordinance. *The Use Table Retail and Services Number 20 other amusements and recreation services, indoor, is an adequate description of the Dragonfly indoor gun range.*

- B. The applicant failed to meet Article XVII.E.1.b., showing that the requested use is essential or desirable to the public convenience or welfare. *Due to the fact that the applicant's proposed uses are not essential or desirable because all proposed services can be found in-town or nearby within a reasonable distance, such as, purchase and sale of firearms, education on firearms.*
- C. The applicant failed to meet its burden of proof concerning Article XVII.E.1.c showing that the requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals or welfare. *The board found that the applicant failed to meet its burden of proof based on input from the public and abutters. Including regional input from the Hopkinton School Board, Hopkinton education professionals, and other input from environment professionals, and property value assessments professionals.*
- D. Concerning Article XVII.E.1.d, OC-1 and OR-1 district 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. *The board found this condition is not applicable because the property is in a C-1 district.*

Warner Zoning Board of Adjustment Note: The New Hampshire RSA 677 provides that the Board of Selectmen, any party to the action, or any person directly affected has a right to appeal this decision within 30 days after the date of decision. This notice has been placed on file and made available for the public inspection in the records of the ZBA. cc: Applicant, Planning Board, Board of Selectmen, Building Department, Town Clerk, and Assessing Clerk.


Janice Loz, Chairperson

Date: 1/18/18

Warner Zoning Board of Adjustment