

94 Route 127
Warner, NH 03278
10 August 2020

Town of Warner
Zoning Board of Adjustment
P.O. Box 265
Warner, NH 03278

Ladies and Gentlemen,

We received your abutter notice of public hearing on Friday, 7 August, and plan to attend the meeting of Wednesday next.

We wish to proffer for your notice the following items:

1. We oppose all commercial activity in our residential neighborhood. Areas are zoned residential for a reason, that owners and occupants desire continuous, daily peace and quiet and a pleasant environment for their families.
2. Warner's long-term plan directed the location of specific business and commercial areas that have been debated, discussed and approved years ago: and this is not one of them. Warner's business and commercial areas cluster about Exits 7 and 9 and in the village. There are many tracts for sale in those areas.
3. This neighborhood hosts a major conservation area and several seasonal wetlands, which should be free of noise, pollution and hazardous materials, and a pleasant place for relaxation and recreation.
4. This residential neighborhood is characteristically rural by design, not suburban, and the owners strive to keep it natural and forested for the pleasure and happiness of its residents and for the habitats of New Hampshire's field and woodland wildlife.
5. Any current or future exceptions to the residential character of this neighborhood lead to a cascade of establishments and the commercialization of its atmosphere.
6. The current residents have made great strides to oppose commercialization of properties in this area: see Town Selectman minutes for the court case of the prior owner of 104 Route 127; the zoning minutes for the driveway and boundary issue for the owner at 84 Route 127 (Ox Pond Road driveway); and consider the reversion of the Davisville corner store at Routes 103 and 127 to a residential use, which by current Warner regulation cannot be reversed.
7. In our knowledge, all of the current neighborhood residents acquired or rented their homes with the expectation of the preservation of the area's residential character.
8. Warner's own zoning regulation (XVb) prohibits all commercial activity, especially in (R2/R3)

residential areas, on tracts less than two acres. Thus the Warner Zoning Board of Adjustment should not grant exceptions or waivers to remedy the lack of due diligence on behalf of negligent and unforesightful owners.

9. The activity proposed is moving from one residential area with a stated purpose of reducing traffic through a residential area. The implication is that the construction traffic will increase in our residential area. This will shatter the residential character of this neighborhood.

10. The effluent from the proposed construction parking lot will direct run-off of hazardous materials via the downward drainage slope to the road culvert into the seasonal wetland, long on record at the Warner Town offices for map 3, lot 89.

The above ten items contain several cogent reasons to deny any exemptions to the Warner zoning regulations for this case.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard J. Mueller".

Richard J. Mueller, and for Linda M. Mueller

Subject: Re: Wed - Board of Adjustment Meeting
From: Town Administrator <administrator@warner.nh.us>
Date: 8/10/2020, 9:23 AM
To: "landuse >> Land Use Office" <landuse@warner.nh.us>

Deb,

Please email to the members of the ZBA, and print for them to pickup. Please confirm with members that they receive this message either in an email or by picking up in the front hallway.

Thank you,

Diane

On 8/10/2020 7:59 AM, demartin@tds.net wrote:

Dear Diane,

Thank you for taking our call last Friday regarding the Zoning Board of Adjustment (ZBA) meeting on Wednesday, August 12, 2020.

According to the Warner Zoning Ordinances (ZBA), the lot (map 3 lot 94) is in the R-2 Medium Density Residential District (Article V). The first sentence in this article reads: "The Medium Density Residential District is designated for residential and limited agricultural uses". The owner is proposing a change in use from vacant land to a developed nonresidential use.

According to the ZBA, the lot size for the R-2 zone is 2 acres. The lot size under consideration (map 3 lot 94) is 1.3 acres and renders the lot as non-conforming. At the same time, the ZBA addresses nonconforming lots in paragraph B, Article XV and reads: "A non-conforming lot may be built upon for residential purposes only..." The owner may have the option to develop the property for residential purposes via the administrative process.

How can a special exception be approved under an article which limits development to residential only and does not reference an option for a special exception as does Articles V, VI, VII, VIII, IX, X, and XI?

The above is our effort to summarize what is permitted for this lot (map 3, lot 94). Please share this information with others. No response is necessary.

Thank you

Sincerely,
Michael and Dorothy Martin

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Diane Ricciardelli
Town Administrator
5 East Main Street
P.O Box 265
Warner, NH 03278
603.456.2298 ext 2