

Subject: Re: Wednesday ZBA meeting
From: Town Administrator <administrator@warner.nh.us>
Date: 8/11/2020, 9:16 AM
To: "demartin@tds.net" <demartin@tds.net>, "landuse >> Land Use Office" <landuse@warner.nh.us>

On 8/11/2020 8:24 AM, demartin@tds.net wrote:

Dear Diane,

Regarding the request for special exception which will be heard at the ZBA meeting this Wednesday night, I am wondering what regulations from the ordinances will apply to this project?

1. The application for special exception can be found in table 1 in the zoning ordinances under the Wholesale, Transportation, and Industrial exception number 1. The only zoning district where the same activity is permitted is Commercial C-1. Will the regulations found in Article XI Commercial C-1 be required? For example:

a. From the ordinance C-1, C1a, the minimum buildable area must be 40,000 SF. The lot is listed as having 1.3 acres (1.3 x 43560 SF per Acre) = 56,628 SF. From experience, buildable area is defined as "lot size minus setbacks". Two sides total 700' in length and the setback width is 40' thus totaling 28,000 SF of setback area. The third side is 300' long with 25' wide setback totaling 7,500 SF. The buildable area is calculated as total area (56,628 SF) minus total setback area of two sides (28,000 SF), minus setback area of third side (7,500 SF) resulting in 21,128 SF of buildable area or 18,872 SF less that the 40,000 SF required.

b. While there is some potential of a 50% reduction in the setback on the front side of the property found in the ordinance (C-1, C3), there is also a buffer of 25' when a commercial property abuts a residential property which by read is an addition to the setback.

2. The building size in the Notice of Public Hearing (August 12, 2020) is listed as 5000 SF. The map shows a 50' by 60' section of the building and a 50' by 48' section plus a 15' by 20' (estimate) entrance totaling 5700 SF. The map states the building will have a height of 36'. The building picture in the packet of information shows windows on two levels. The question: Does the building have two levels and thus doubles the 5700 SF for a total building size of 11,400 SF?

If the Special Exception is approved, does the property become classified as commercial, requiring the Commercial regulation?
Please share.

Thank You.

Dorothy and Mike Martin