

Peter and Denise Smith

Applicant's Checklist

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

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* Application Fee \$ 50 + (4) ABUTTERS
 Assume Town of Warner Doesnot need
 notification *
 * VERBAL Referral by Alan Brown



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 VARIANCE

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 ____ x	\$8.00
Commercial	\$100.00	Applicant Notification	\$60.00

* 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: PETER SMITH		Date: 11/13/23	
Applicant Mailing Address: 89 Mink Hill Lane			
Town: WARNER	State: NH	Zip: 03278	
Telephone Primary: 603-680-1103	Alternate: 603-680-0994 (Denise)		
Owner of Property Information			
Name of Owner: PETER and Denise Smith		Date: 11/13/23	
Owner Mailing Address: 89 Mink Hill Lane			
Town: WARNER	State: NH	Zip: 03278	
Telephone Primary: 603-680-1103	Alternate: 603-680-0994 (Denise)		
Location and Description of Property			
Map #: 09	Lot #: 011	Zoning District: OC-1	
Address: 89 Mink Hill Lane, WARNER, N.H 03278			
Will a Site Plan Review approval be required by the Planning Board?		Yes	No
Proposed Use:			
Details of Request: 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 _____)			
VARIANCE TO SUBDIVIDE PARCEL Lot 09-011 OC-1 Total of 585± Frontage on Mink Hill Lane 300' on new Lot would leave 285± on Mink Hill Lane For EXISTING LOT.			

ALL APPLICABLE PAGES MUST BE COMPLETED TO BE ACCEPTED

The undersigned hereby requests a VARIANCE to the terms of:

Article: VIII, Section: C.I.G. of the Warner Zoning Ordinance

For a Variance to be granted, the following five conditions must be met:

(For more information reference the Warner Zoning Ordinance Article XVII and RSA 674:33.)

Please explain in writing how your project meets each of the five (5) conditions, in the space provided on the following pages. If you do not use the space provided refer to attached pages.

The applicant seeking a variance must be prepared to prove these conditions at the Public Hearing. In order for the public hearing to proceed there needs to be responses to all five conditions.

The five conditions are:

1. Granting the variance will not be contrary to the public interest because:
2. By granting the variance, the spirit of the ordinance is observed because:
3. By granting the variance substantial justice is done because:
4. Granting the variance will not diminish the values of surrounding properties because:
5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship:
 - A. Meaning 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 on the property; **and**
 - ii. The proposed use is a reasonable one.
[Explain what is unique about the property that makes the specific zoning restriction unfair and unrelated to the purpose of the provision, and that it is a reasonable use]
 - B. Or, if the criteria in 'A' are not established, then 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 the property.
[Explain what is unique about the property that makes the specific zoning restriction unreasonable]

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

The variance just allows the subdivision off Mill Hill Lane. It does not change any features that already exist. This is a simple subdivision with 3 - Boundaries unchanged and just a simple new line at the 300' mark drawn to be back of existing lines. It still leaves 20± Acres of the parcel with its own Access.

2. By granting the variance, the spirit of the ordinance is observed because:

Other than the Road frontage shortage the subdivision will followed all other aspects of the ordinance. All normal surveying practices will be enforced. The surveyor is already working on Road and Traverse Dimensions

3. By granting the variance substantial justice is done because:

The variance asked for which was recommended by planning Board members, was a alternative to deciding the right to use the class six road applications Driveway as additional frontage.

4. Granting the variance will not diminish the values of surrounding properties because:

This is just a simple subdivision and any driveway permits will have to be met along with all other requirements and when that happens. All other subdivisions ~~are~~ on the other side of Mink Hill Lane DID not diminish any values. If so they probably would not have been allowed

Answer - 5.A.i. and 5.A.ii. - or 5.B.

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

- A. Meaning 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 on the property;

and

- ii. The proposed use is a reasonable one.
[Explain what is unique about the property that makes the specific zoning restriction unfair and unrelated to the purpose of the provision, and that it is a reasonable use]

Or, if the criteria in 'A' are not established

- B. 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 the property.
[Explain what is unique about the property that makes the specific zoning restriction unreasonable]

The Frontage on Mink Hill Lane is 585' therefore with 300' used up the new lot. That leaves 285' left for original parcel. The road frontage on the class six road leading up to ~~the~~ existing lot apparently does not count, which has ample frontage.

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.

Map 09	Name: Gregory & Elizabeth Heath
Lot 010	Address: 97 Mink Hill Lane, WARREN NH 03278
Map 09	Name: TOWN OF WARREN
Lot 009	Address: P.O. Box 59 WARREN NH 03278
Map 09	Name: Peter Sabin
Lot 008	Address: 78 Mink Hill Lane WARREN NH 03278
Map 09	Name: Scott & Melissa Day
Lot 007	Address: 606 Mink Hill Lane WARREN, NH 03278
* Map 09	Name: Adam DeBrigard
Lot 007-1	Address: 18 Youngs Rd, Gloucester, MA 01930
Map 09	Name: TOWN OF WARREN
Lot 012	Address: P.O. Box 59 WARREN, NH 03278
Map	Name:
Lot	Address:
Map	Name:
Lot	Address:
Map	Name:
Lot	Address:
Map	Name:
Lot	Address:

BK 123- 00072

Peter and Denise
Smith

T- 564.00

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that we, **Marion Rau Johnson**, of 298 Boston Road, Route #67, Palmer, Massachusetts 01069 and **Susan Johnson Rau**, of RR 3, Box 397, Messina, New York 13662, for consideration paid, grant to **Peter E. Smith** and **Danise R. Smith**, as joint tenants with rights of survivorship, both of East Sutton Road, Warner, New Hampshire 03278, with WARRANTY covenants,

Three certain parcels of land, with the improvements thereon, in the Town of **WARNER**, County of **MERRIMACK** and State of New Hampshire, bounded and described as follows:

Beginning at a point on the southerly line of the North Village Road, so-called;

Thence southerly by land now or formerly of **Walter M. Flanders** and land now or formerly of **A.J. Hook**, to the Old Golby Pasture bound;

Thence westerly on land of **Flanders Brothers**, now or formerly, to a corner bound on the stone wall near a large oil nut tree;

Thence southerly on said **Flanders Brothers** land to a corner bound;

Thence westerly on said **Flanders** land to a corner bound;

Thence southerly to a corner bound, said course being on said **Flanders** land;

Thence westerly to a stone bound in the wall;

Thence northerly on said **Flanders** land to a turn in the stone wall;

Thence westerly on said **Flanders Brothers** land to land now or formerly of **William E. Chandler**;

Thence northerly on said **Chandler** land to land formerly of **William J. Cheney**;

Thence easterly on said **Cheney** land to the said North Village Road;

Thence northerly and easterly, on the easterly and southerly side of said road to the point of beginning.

Containing 30 acres of land, be the same more or less, reserving a right-of-way to the **Flanders Brothers** to their land also a right-of-way to **Fred H. Savory** to his pasture.

Also another tract of land situated in said **WARNER**, in the so-called North Village District bounded and described as follows, viz:

Beginning at the southeasterly bound of land now or formerly of **Mary B. Henley** next beyond the site of an old barn;

Thence southwesterly in a straight line on land of **Frank G. and Edward H. Flanders**, now or formerly, to the southeasterly corner of the wall on said **Flanders** land, said wall being the southern boundary of the lot formerly called the South Field included in this conveyance;

EDWARD AND GLEASON
PROFESSIONAL
ASSOCIATION
PROCTOR SQUARE
P.O. BOX 600
HENNIKER, NH 03242

BU 1782 1302

Thence westerly on said wall to land now or formerly of E. H. and E. L. Carroll;

Thence northerly on said Carroll land by an old stone wall to land formerly known as the "Smart Lot" now owned by said Town of Warner to a corner bound between said Town lot and land now or formerly of Mary R. Henley;

Thence easterly on said Henley's land to a corner of a wall;

Thence southerly on said Henley's land to a corner of a wall;

Thence easterly by the boundary line of Henley's and Flander's land to the point of beginning.

Containing about 10 acres.

Also another tract of land with the westerly half of the main dwelling house thereon situated in said WARNER bounded and described as follows, namely:

Beginning at the southeasterly corner of tract to be conveyed, next to the highway;

Thence southwesterly in a straight line through the center of said house 100 feet to an iron pin in the ground;

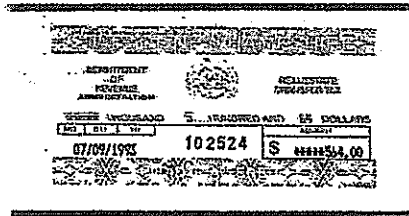
Thence northwesterly 100 feet to an iron pin in the ground;

Thence northeasterly 100 feet to said highway; and

Thence southeasterly 100 feet to the point of beginning.

Being the same premises conveyed to Grantors by deed of Harry Herbert Johnson, et ux dated September 20, 1980, recorded at the MERRIMACK Registry of Deeds at Book 1380, Page 382

There are no rights of Homestead pertaining to the premises.



Signed July 7, 1993.

Merton Rau Johnson
Merton Rau Johnson

Susan Johnson Rau
Susan Johnson Rau

SCHWARD AND GILFILLAN
 PROFESSIONAL
 ASSOCIATION
 100000 SOLARY
 PO BOX 400
 MERRIMACK NH 03042

L. 1923 PG0074

Commonwealth of Massachusetts
STATE OF NEW HAMPSHIRE
MERRIMACK, ss. *Hampden County ss.*

The foregoing instrument was acknowledged before me July 1, 1993, by Marion Rau Johnson and Susan Johnson Rau.

Marion F. Lee
Notary Public/Justice of the Peace

7862

of Merrimack County



STATE OF NEW YORK
COUNTY OF ST. LAWRENCE

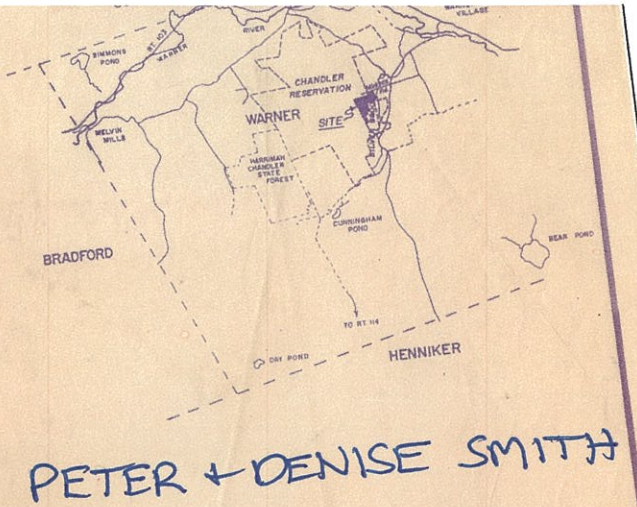
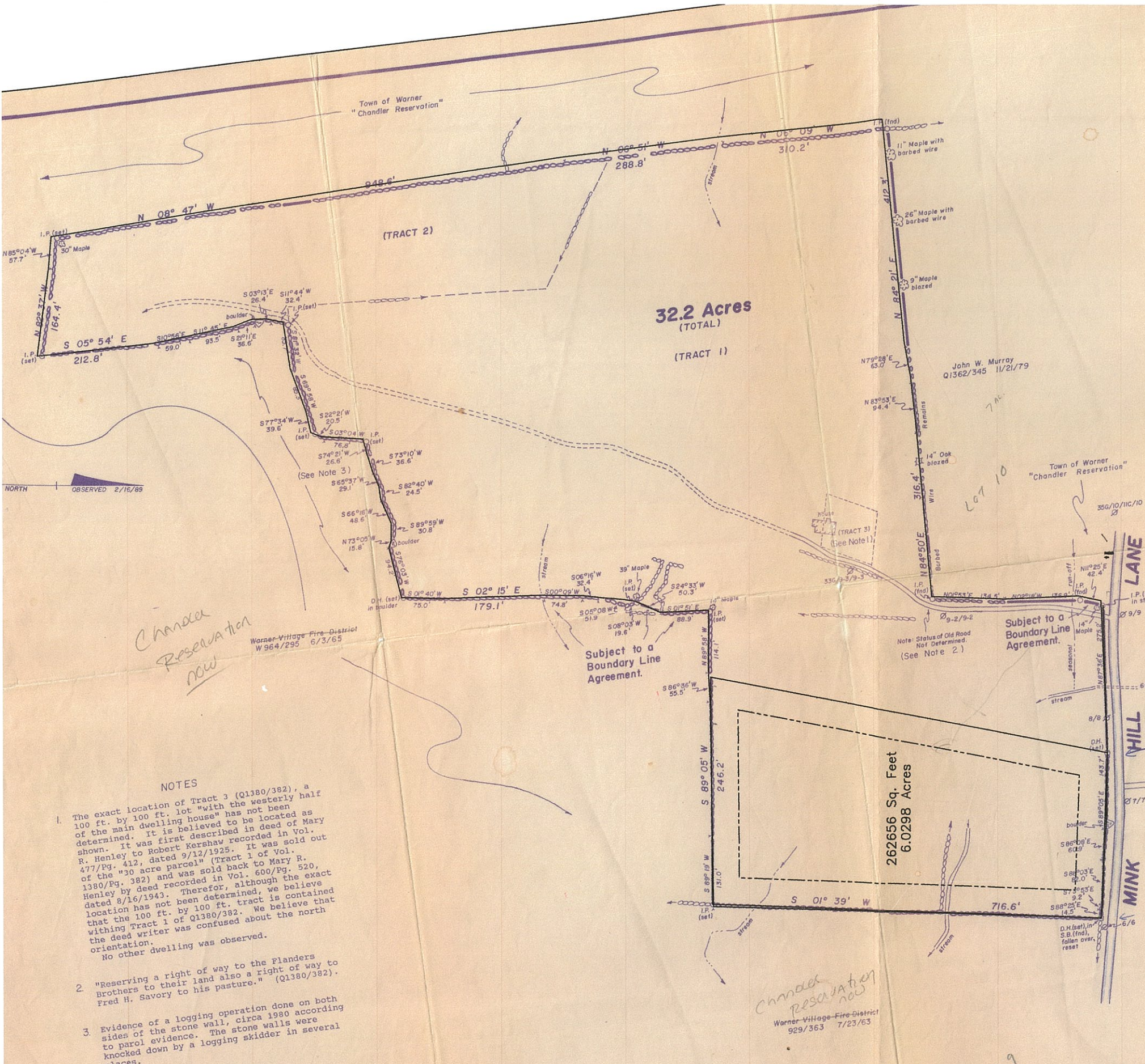
The foregoing instrument was acknowledged before me June 25, 1993, by Susan Johnson Rau.

Cynthia Ann Gelisle
Notary Public



MERRIMACK COUNTY RECORDS

Kathi L. Quay, Register



SURVEY

FOR: **MARION R. & SUSAN R. JOHNSON**

LOCATION: Mink Hill Lane
 TOWN: Warner COUNTY: Merrimack
 NEW HAMPSHIRE

DEED(s): Q1380/382 9/29/80
 (3 Tracts)

Field Measurements By: Lietz Set 4 Total Station

ACCURACY OF CLOSURE:
 Control Traverse = 1/26,600
 Final Description = 1/58,300

Surveyed by: *BPS* 2/16 - 3/14/89
 Dated by: *D.M.C. M.B.* 3/9/89
 Prelim Check by: *D.H.S.* 3/14/89
 Final Check by: *D.H.S.* 3/15/89

SCALE: 1" = 100'

PROJECT NUMBER: Q8-2-040,109
 NOTEBOOK(s): 217 pp. 14-43

COMPUTATION by: Acer 910 & Multitech Acer 1100
 DRAFTING METHODS: GRID COORDINATE SYSTEM

REVISIONS:	DESCRIPTION	DATE

MAP FILE: GG-10

NOTES

- The exact location of Tract 3 (Q1380/382), a 100 ft. by 100 ft. lot "with the westerly half of the main dwelling house" has not been determined. It is believed to be located as shown. It was first described in deed of Mary R. Henley to Robert Kershaw recorded in Vol. 477/Pg. 412, dated 9/12/1925. It was sold out of the "30 acre parcel" (Tract 1 of Vol. 1380/Pg. 382) and was sold back to Mary R. Henley by deed recorded in Vol. 600/Pg. 520, dated 8/16/1943. Therefore, although the exact location has not been determined, we believe that the 100 ft. by 100 ft. tract is contained within Tract 1 of Q1380/382. We believe that the deed writer was confused about the north orientation.
 No other dwelling was observed.
- "Reserving a right of way to the Flanders Brothers to their land also a right of way to Fred H. Savory to his pasture." (Q1380/382).
- Evidence of a logging operation done on both sides of the stone wall, circa 1980 according to parcel evidence. The stone walls were knocked down by a logging skidder in several places.

REFERENCE PLAN

A. Plan entitled "Boundary Survey; Property of: Town of Warner 'Chandler Reservation'" Warner, N.H. dated 3/7/80 by Bristol, Sweet & Associates, Inc.

- SYMBOLS**
- Stone Wall
 - Barbed Wire
 - Water Course
 - Stone Bound
 - Concrete Bound
 - Iron Pipe
 - Iron Rod
 - ⊙ Drilled Hole
 - ⊕ Utility Pole

1" = 200'

MAP 9
 Lot 11

Chandler Reservation now
 Warner Village Fire District
 929/363 7/23/63

Chandler Reservation now

Warner Village Fire District
 W 964/295 6/3/65

Subject to a Boundary Line Agreement.

Subject to a Boundary Line Agreement.

262,656 Sq. Feet
 6.0298 Acres

MINK HILL LANE
 (Called Village Road in The Deeds)

John W. Murray
 Q1362/345 11/21/79

(TRACT 3)
 (See Note 1)

(TRACT 2)

32.2 Acres (TOTAL)
 (TRACT 1)

NORTH OBSERVED 2/16/89

BRISTOL, SWEET & ASSOCIATES, INC.
 LAND SURVEYORS - CIVIL ENGINEERS
 (603)-927-4756
 P.O. Box 114, Kayser Street
 NORTH SUTTON, NEW HAMPSHIRE

This work is certified only stamped with an official and signed in accordance section 67, II, N.H.R.S. Chapter 310-A.
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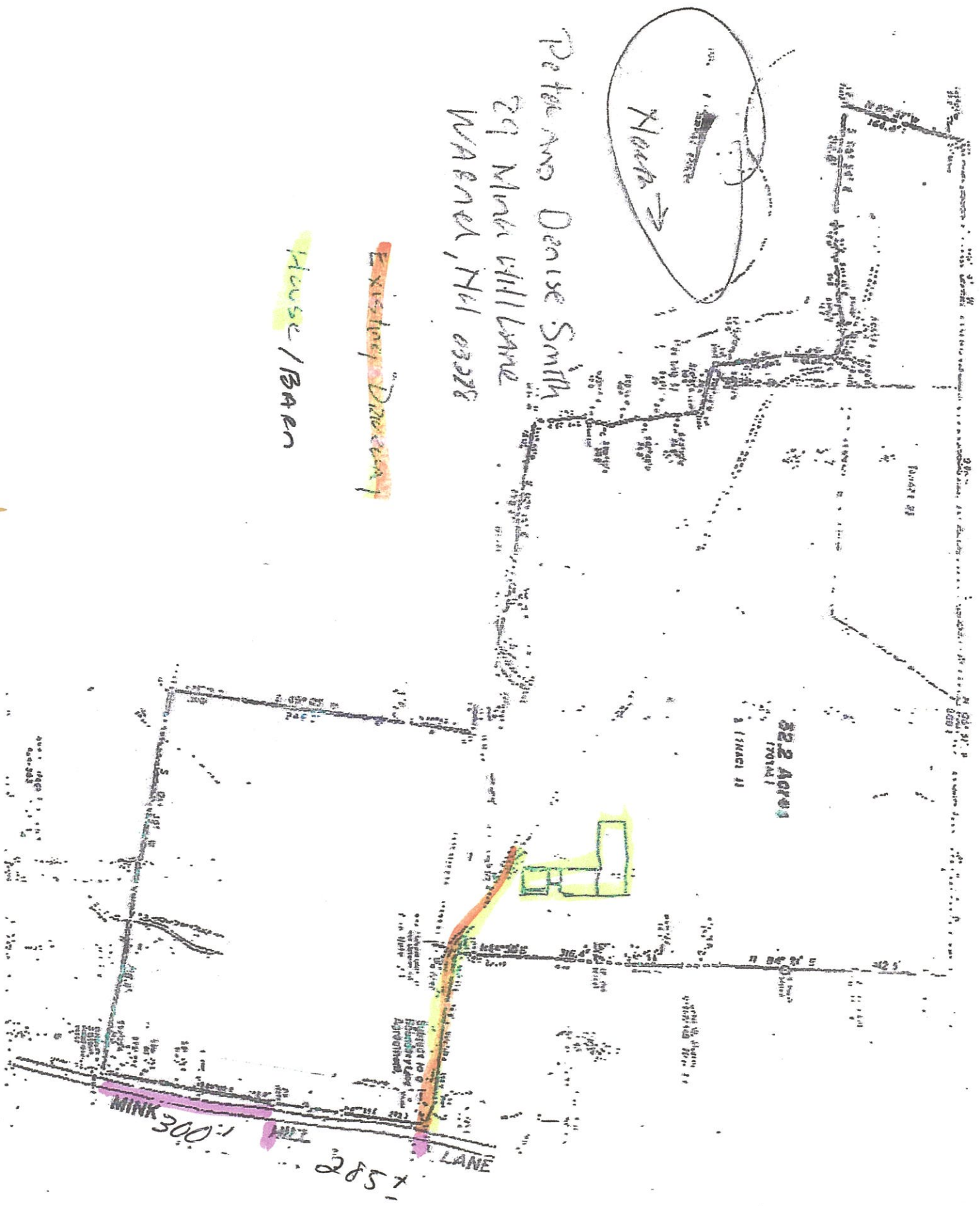
Peter and Denise Smith

Peter and Denise Smith
29 Mink Hill Lane
Warner, NH 03278



House / Barn

Existing Driveway



32.2 ACRES
TOTAL

MINK 300:1 LANE
285'

Subject to a
Easement
Agreement

