



TOWN OF WARNER

P.O. Box 269, 5 East Main Street

Warner, New Hampshire 03278-0059

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Zoning Board of Adjustment NOTICE OF DECISION

Date of Decision: September 10, 2025

Appeal of Administrative Decision

Case: 2025-7

Applicant: Peacock Hill Rd LLC

Owner: Peacock Hill Rd LLC,

Address: Route 103 East

Parcel: Map:07, Lots 39 and 39-1

District: R-2 and R-3

Description: Application appealing the Town of Warner Land Use interpretation of buildable area calculation. Warner Zoning Ordinance Article II. C. 2., and Article III Definitions: Buildable Area

You are hereby notified that on September 10, 2025 the Zoning Board of Adjustment voted to **GRANT** the Appeal of Administrative Decision.

Summary: Following a public hearing the appeal was granted by a vote of 4-to-0-to-1

The ZBA decision is based on definitions in the Warner ordinance that state "BUILDABLE AREA" *means total acreage of the parcel or lot...* and "LOT" *means a parcel or portion of land separated from other parcels or portions of land by description as on a subdivision or survey map...*, finding both definitions encompass the total acreage of a lot. Therefore, the ZBA does not support the interpretation that requires each zoning district portion of a lot to individually satisfy the buildable area calculation without including the acreage of the entire lot as part of that calculation.

The ZBA interpretation is not in conflict with Article II.C.2, which reads "*Where a lot is located within more than one Zoning District all the relevant Zoning Ordinance requirements pertaining to each Zoning District type shall remain for each corresponding area of the lot.*" The proposal is to build in the R-2 zoning district. The applicant shows that each lot (07-39 & 07-39-1) meets the buildable area requirements that pertain to that district when considering that the buildable area encompasses the total acreage of the entire lot minus land features, such as wetlands, which are required to be subtracted when calculating buildable area.

Barbara Marty, ZBA Chair

9-15-2025

Date

Warner Zoning Board of Adjustment Note: The New Hampshire RSA 677:2: 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 the decision. This notice has been placed on file and made available for public inspection in the records of the ZBA.