
Comments and Questions on CATCH Applications for Special Exception (Case 2025-1) and Variance (Case 2025-2)

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To Landuse Secretary <landuse@warnernh.gov>
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 9 attachments (16 MB)

Planning Board - Workforce Housing Zoning Position 08-31-2022.pdf; Comet Attorney Letter 2022-08-26.pdf; Comet Attorney Letter 2022-08-30.pdf; PB Decision - Comet LLC March 1, 2021 Lots 4-1 & Lots 4-2.pdf; REQUEST FOR MORE INFORMATION.pdf; Gmail - Fwd_ Permit AoT-1936, Route 103 West Commercial Development.pdf; Comet - Withdrawal email page 1.jpg; Comet - Withdrawal email page 2.jpg; Comet - HAB Withdrawal.jpg;

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I respectfully submit the following concerns and questions regarding the applications for Special Exception (Case 2025-1) and Variance (Case 2025-2) submitted by CATCH on behalf of the owners Comet LLC, Inc. related to the construction of an approximately 48 unit workforce housing development on to be located on Route 103, Map 35, Lot 4-3 in the C-1, Intervale district. My questions and concerns are in the following areas including but not limited to: the requirement that multi-family workforce rental shall contain workforce housing in perpetuity, the economic viability of the project, the impact of increased traffic on public safety near the Barbara Annis roundabout and the Intervale, the impact of the proposed project on the Warner River and the surrounding wetlands, the impact of the proposed on endangered species, the public safety impact related to the need for fire suppression.

1. This application seeks a Special Exception to allow workforce housing in District C-1 and INT Districts. The Proposal will constitute "workforce housing" within the meaning of RSA 674:58, et. seq. and Article XIV-A of the Town of Warner Zoning Ordinance (the "Ordinance"). Multi-family workforce housing is permitted within the C-1 and INT Districts by special exception. This application is exclusively for workforce housing units – no market-rate housing units are contemplated. If the Zoning Board of Adjustment chooses to grant this application then in order to guarantee that all of the units continue to remain workforce housing units, I recommend that the Zoning Board of Adjustment add a condition to the approval that all units shall be workforce housing units in perpetuity. On August 31, 2022 the Warner Planning Board adopted its interpretation of the Warner Zoning Ordinance regarding Multi-Family Workforce Housing in C-1 and INT districts which stated in part that Multi-family workforce rental housing must be perpetually affordable and that Multi-family workforce rental housing developments must be 100% workforce housing (See attachment labeled Planning Board - Workforce Housing Zoning Position 08-31-2022 for further details).

2. I am concerned as to the economic viability of the proposed 48 unit multi-family workforce housing project. As indicated in the CATCH applications, Comet LLC previously submitted an application for Special Exception to the ZBA in 2022 for a workforce housing development to build a 24-unit apartment building under a different proposed design that included a mixed workforce housing and market-rate housing. On or about August 16, 2022, the ZBA granted a Special Exception for workforce housing. During that process, the Town and the Planning Board took the position that the Ordinance prohibited market rate housing as part of a rental workforce housing development, and the Owner's site plan was withdrawn or abandoned. Pursuant to Article XVII, §F.2 of the Ordinance, the 2022 Special exception lapsed. In a letter dated August 26, 2022, Rath, Young and Pignatelli attorneys representing Comet LLC, indicated in part that requiring all units in a workforce housing development to be workforce housing would make the construction and operation of workforce housing developments economically unviable. (See attachment labeled Comet Attorney Letter 2022-08-26.) In a second letter dated August 30, 2022, Rath, Young and Pignatelli attorneys representing Comet LLC, indicated in part that: If the Planning Board is correct that workforce housing must make up 100% of a development in perpetuity, it would be impossible for any developer to construct workforce housing, which by its definition is well below market rates. Unless the construction is fully subsidized, it would not be a profitable or viable project for any developer. (See attachments labeled Comet Attorney Letter 2022-08-30, Comet - Withdrawal email page 1 and Comet - Withdrawal email page 2, and Comet - HAB Withdrawal for additional information).

 Doubling the amount of units doesn't necessarily guarantee the economic viability of the project and has the potential to create additional adverse impacts.

3. I am concerned regarding the impact of increased traffic on public safety near the Barbara Annis roundabout and the Intervale. The CATCH applications claim that the area is already a high traffic area and can handle the additional traffic of a residential use, most of which would be directed to the nearby Interstate 89 and not into rural Warner but fail to provide any hard data (e.g. traffic counts or a traffic impact study) to support this claim. On March 1, 2021 the Warner Planning Board issued a decision - which approved, with numerous conditions, the Comet LLC site plan application for a 7000 square foot retail building to be located on Map 35, Lots 4-1 & a separate drive-through donut shop on Map 35 Lot 4-2. (See attachment labeled PB Decision - Comet LLC March 1, 2021 Lots 4-1 & Lots 4-2.) Since that time the drive-through donut shop has been constructed and is in operation. To my knowledge no traffic counts or traffic impact studies have been conducted regarding the additional impact of traffic caused by the drive-through donut shop or the potential impact of increased traffic from the addition of a 48 unit multi-family workforce housing project.

4. I am concerned about the potential adverse impact of the proposed project on the Warner River river and the adjacent wetlands. I have already requested that copies of the changes to the Town of Warner, NH Floodplain Development Ordinance be provided to the applicant so that the impact of these changes can be reflected in the engineering plans.

5. I am concerned about the impact of the proposed project on endangered species such as the Spotted turtle, the Blanding's turtle and the wood turtle. Previous site plans filed by Comet LLC on Map 35 Lot 4-3 have notes indicating that NH Fish and Game and NHDES AoT have requested and received additional information and that NHDES has previously issued Permit AoT-1936 for the Route 103 West Commercial Development. (See attachments labeled REQUEST FOR MORE

INFORMATION and Gmail - Fwd_ Permit AoT-1936, Route 103 West Commercial Development). I don't know if that permit is still valid since the plans for the proposed CATCH project have changed.

Have any reports of recent sightings of threatened or endangered species been filed with or received from NH Fish & Game? Note that the proposed site is bordered by a stream and wetlands.

Note also that effective June 2, 2020 NHDES AoT rules require an ecological assessment by a qualified wildlife biologist.

6. I am concerned about the public safety impact related to the need for fire suppression. The draft plans filed by CATCH labeled: LAYOUT AND MATERIALS PLAN CS1001 and GRADING AND DRAINAGE PLAN CS1501 might not provide access around the building. This could require the Town of Warner Fire Department to stage and use its equipment on Route 103 resulting in disruption of traffic flow of Route 103 for the duration of the event. In addition The Town of Warner Fire Department does not have a ladder truck at this time and relies on mutual aid from Hopkinton or New London typically for a ladder truck. Depending on the type of call, staffing and call volumes a delay may occur from those towns providing Warner this resource if needed. This could have a negative impact depending on the emergency. Additional fire hydrants may also be required to aid in fire suppression.

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