

**AMB's Comments on Catch Applications for Special Exception and Variance  
Cases 2025-5 and 2025-6  
June 8, 2025**

**Special Exception (Town of Warner Zoning Ordinance Article XVII E.)**

1. A Special Exception is required for the proposal to construct a 34 unit multi-family workforce housing development in the C-1 district and the Intervale district.
2. Map 35, Lot 4-3 has a buildable area of approximately 2.6 acres.
3. Most of this 13+ acre parcel is covered by the Town of Warner conservation easement.
4. As of 6/8/2025, the information posted on the Warner Notices Digest website for the Special Exception Case 2025-5 **did not include**:
  - a. Details on the number of one, two or three bedroom units to be included in the proposed building.
  - b. A written response from the Kearsarge Regional School District.
  - c. A written response from the Town of Hopkinton.
  - d. Information indicating that the Town of Warner Fire Chief was contacted regarding the potential impact of the 34 unit multi-family workforce housing development proposal on public safety.
  - e. Information that the Town of Warner Police Chief was contacted regarding the potential impact of the 34 unit multi-family workforce housing development proposal on public safety
  - f. The height of the proposed building.
  - g. A site-specific, detailed analysis of the traffic impact of the proposed 34 unit multi-family workforce housing development. References as to what might be built on the site instead of the proposed housing development are irrelevant.
5. The application fails to address my concerns regarding the impact of increased traffic on public safety near the Barbara Annis roundabout and the Intervale. (See my previously submitted email of April 8, 2025 regarding my concerns about Special Exception Case 2025-1 and Variance Case 2025-2).
6. The application fails to address my concerns regarding the potential impact of the proposed project on the Warner River and the adjacent wetlands including but not limited to:
  - a. The potential adverse environmental impact on the Warner River and adjacent wetlands from runoff or drains from the stormwater pond shown on the plans labeled Layout and Materials Plan CS 1001 and Grading and Drainage Plan CS 1501 that were filed with the CATCH applications for a Special Exception (Case 2025-5) and a Variance (Case 2025-6).
  - b. In addition to the potential adverse environmental impact on the Warner River and adjacent wetlands stated above, a stormwater pond located immediately adjacent to a residential apartment building also raises several public health concerns including: infections from mosquito-borne diseases and illegal disposal of trash or other hazardous materials.

- c. Previous plans filed by Comet LLC with the Warner Zoning Board of Adjustment for a Special Exception (Case 2022-03) for Map 35, Lot 4-3 did not include a stormwater pond.
  - d. Previous plans filed by Comet LLC with the Warner Planning Board for Map 35, Lot 4-3 did not include a stormwater pond.
  - e. CATCH will also need to submit a new application to the NHDES AoT Bureau for a new or amended AoT permit with plans showing the proposed stormwater pond on Map 35, Lot 4-3
7. The application failed to address the public safety issue regarding a school bus stop or the potential need for school buses to stop on Route 103.
  8. The application failed to address the priority for fire equipment access to all sides of the building. As proposed fire equipment would have to stop on Route 103 in order to fight a fire at the proposed building which would shut down Route 103 without an alternative bypass route.
  9. According to Town off Warner Zoning Ordinances, Article XVII Board of Adjustment, E. 2. Granting of Special Exceptions.  
 In granting a Special Exception, the Board of Adjustment may attach appropriate conditions to assure that the general criteria can be met and enforced, including but not limited to:
    - a. Increasing setback and yard dimensions, which are greater than the minimum requirements.
    - b. Modifications of the external features of the building or structures, and limiting the lot coverage or building height and dimensions.
    - c. Requiring suitable landscaping, screening and maintenance or restoration of natural buffer areas where necessary to reduce noise and glare.
    - d. The removal or modification of non-conforming uses, signs, buildings or structures.
    - e. Professional or technical studies or the funding thereof, for the purpose of monitoring compliance of specific elements regarding the site, and to verify the impact of the use on municipal services, traffic, and public safety, noise, air quality, and ground and surface water quality.
    - f. Limiting the number of occupants and methods and time of operation of the proposed use.
    - g. Specifying the numbers and locations of driveways, and accesses for the requested use and property.
    - h. Reducing the number, size and illumination of signs.
  10. Should the Zoning Board of Adjustment choose to approve a Special Exception for the CATCH application (Case 2025-5), I respectfully request that the following conditions be included in said approval:
    - a. The total number of multi-family workforce housing units shall be limited to no more than 24 units; and
    - b. Professional or technical studies or the funding thereof, for the purpose of monitoring compliance of specific elements regarding the site, and to verify the impact of the use on municipal services, traffic, and public safety, noise, air quality, and ground and surface water quality be submitted to the Zoning Board of Adjustment.

11. By limiting the total number of multi-family workforce housing units to no more than 24 units, most if not all of the negative impacts of the larger 34 unit multi-family workforce housing development proposal will be limited, if not eliminated.

12. In addition:

- a. the integrity and character of the district and adjoining districts including the health, morals and welfare will be better protected;
- b. the impact of increased traffic on public safety near the Barbara Annis roundabout and the Intervale will be reduced.
- c. the impact on noise, air quality, and ground and surface water quality in the Intervale and adjoining districts will be reduced.

#### **Variance (Town of Warner Zoning Ordinance Article XVII. D)**

The applicants are creating the need for a Variance by attempting to fit a 34-unit multi-family workforce housing building on a lot that could easily fit a 24-unit building without the need for a Variance. The proposed 34 unit building will cost more than a 24-unit building due to increased site excavation, site preparation, building materials and construction costs. The applicant is still attempting to construct a larger building than the site can support. Thus increasing the numerous adverse impacts cited above.

#### **Workforce Housing (Town of Warner Zoning Ordinance Article XIV-A)**

##### **G. Relationship to Other Ordinances and Regulations**

1. No portion of this Article shall nullify the provisions of any other Town ordinance provisions which relate to environmental protection, water supply, sanitary disposal, traffic safety, and fire and life protection.
2. If any provision of this Article is in conflict with the provisions of other Ordinances, the more restrictive provision shall apply, except for any provision relating to lot size, frontage, setbacks or density, in which case the provisions of this Article shall apply.

See also Warner - Workforce Housing Overlay Map, Date: 3/9/10 for additional information on Zones and acreage of each Zone where Workforce Housing is already permitted either by right or by Special Exception. This map indicates that Workforce Housing is permitted, either by right or by Special Exception on 51.1% of the total acreage in the the Town of Warner, NH.