



## TOWN OF WARNER

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### **Zoning Board of Adjustment** *Minutes of Wednesday May 28, 2025*

#### **ROLL CALL**

<b>Board Member</b>	<b>Present</b>	<b>Absent</b>
Sam Carr (Alternate)	✓	
Jan Gugliotti	✓	
Beverley Howe	✓	
Barbara Marty (Chair)	✓	
Lucinda McQueen	✓	
Derek Narducci (Vice Chair)	✓	
James Zablocki (Alternate)	✓	

The Chair opened the meeting at 7:00 PM.

#### **NEW BUSINESS: CONTINUATION – DELIBERATION ONLY: (No Additional Testimony)**

##### **A. Application for a Special Exception**

**Case:** 2025-1

**Applicant:** Concord Area Trust for Community Housing (CATCH)

**Owner:** Comet, LLC

**Address:** Route 103

**Parcel:** Map: 35, Lot:4-3

**District:** C-1, Intervale

**Description:** Application to construct a 48-unit multi-family workforce housing development in the C-1, Intervale district. Article XIV-A and TABLE-1 Use Regulations RESIDENTIAL #6

The Chair explained that the Board will deliberate on two items: an application for special exception and an application for a variance. She explained the process that will be followed. The Chair stated that the Board has previously taken public input and heard from the applicant. Bev Howe questioned why the Board would not vote on the variance first, stating if the variance is not approved the Board does not need to vote on the special exception. The Chair stated the Board is required to vote on both.

The Chair stated the use requested has been identified in the Zoning Ordinance as one which may be approved by the Zoning Board in the district for which the application is made. The Board discussed if the applicant has met the criteria for a special exception:

- The use requested is identified in the Use Table of the Zoning Ordinance as requiring a Special Exception in that respective zoning district, or as otherwise stated in the Zoning Ordinance.
- The requested use is essential or desirable to the public convenience or welfare:
- The requested use will not impair the integrity or character of the district or adjoining district, nor will it be detrimental to health, morals or welfare.

Jan Gugliotti stated that she does not see this as essential to the public.

Sam Carr stated that as presented (48-unit building) it is not essential or desirable to that degree.

Jan Gugliotti spoke about criteria C: She stated that this does not meet that criteria. She stated that the housing survey reflects that the public did not want a 48-unit 4 story brick building. Jan Gugliotti stated that she does believe that this impairs the character of the district. She stated the Board does not have enough information or experience to say it is correct to have a 48-unit apartment building in Warner.

Jan Gugliotti spoke to unknowns relating to road access and impacts on traffic. She mentioned the dangers of Warner River for children living in the building.

Sam Carr explained that the master plan and the housing survey illustrate that residents do not want a large apartment complex. He stated that residents want to see the housing needs met by a smaller scale and in a more distributed manner. He spoke about the unknown impacts on traffic, town services (police and fire), the school system and public utilities. Sam Carr explained that his concerns relate to both (essential or desirable and the integrity or character of the district) and he feels something smaller in size would be appealing to the Town and less impact on town services, traffic, safety and the adjacent wetlands.

James Zablocki asked for clarification on where in the master plan it speaks to the size of a workforce unit. Jan Gugliotti stated they do not have criteria for workforce housing but that does not mean the Town should accept anything that comes forward.

Lucinda McQueen was pleased with the audience participation. She respects the opinion of those who will be impacted by this project. She stated that no one came forward in support of this project. She stated that the input received was that a 48-unit complex is too large. Lucinda McQueen stated that it is not desirable to the public, it will impair the integrity or character of the district. She stated the 48-unit housing project is not attractive. She spoke about the driveway directly across from North Road will create road access problems. Lucinda McQueen explained her concerns related to B, C and D.

Derek Narducci stated that he is concerned that a development of this size will consume a significant portion of the Town's limited commercial space. He explained that the master plan is not law, and it does not require the town to accept a development just because it is in the master plan. Derek Narducci explained his concern is that this development does not benefit the Town of Warner. He stated that it benefits the I-89 corridor. Derek Narducci stated that he is appointed to this Board to represent the residents of Warner not those who want to live in Warner. He stated that he has not heard from anyone who supports this project. He spoke to fire safety concerns that a four-story building with two escape routes presents. Derek Narducci stated that his concerns relate B and C (b. The requested use is essential or desirable to the public convenience or welfare, c. The request will not impair the integrity or character of the district or adjoining district, nor will it be detrimental to the health morals or welfare).

The Chair noted the advantages that the applicant spoke about having workforce housing near I-89 and the proximity to water and sewer in that area. She stated that there is a traffic advantage to having the property centralized in a multi-unit complex verses 48 homes spread out across town. The Chair explained that the applicant has every right to apply to put workforce housing on this lot as it is in a commercial district and a special exception allows it to be there.

James Zablocki asked if the applicant can appeal to the State if the Board votes this down. The Chair explained that the applicant has already submitted an application for a smaller project to be presented next month. The Chair confirmed that the applicant does have the opportunity to appeal a decision within 30 days to this Board and if it is denied again, they can appeal to the State. James Zablocki reiterated if this is appealed to the State this Board must have definitive statements not just opinions. The Chair agreed that the Board needs to be specific in their findings of fact.

The Chair stated her thoughts pertain to the property itself. She spoke about the number of individuals living in the building is 80 – 160 people. The Chair expressed concern that the town would have to absorb a significant number of people moving into Warner at the same time. She stated questioned if something this large is essential or desirable to the Town. The Chair explained that the parcel of land is only 2.6 acres, and the proposed development does not include outdoor space for the residents. She stated, in keeping with the

rural character of Warner, this kind of concentration of people living in this one building that there should be outdoor space provided.

Derek Narducci stated that development is in the flood plain. Jan Gugliotti stated that she is in favor of workforce housing, but this proposed development is too large. She stated that the majority of town is going to be resentful, and it will cause conflict. She stressed that it is not a good idea to build a 48-unit apartment building in a town of 3000 people.

The Chair stated that she does believe this project will affect the character of the district and the adjoining district. She explained that other buildings in the area are single story buildings, but this building is four stories. She stated that this development is only one property away from the residential district. The Chair stated that she was surprised that the Board did not hear from anyone in support of the development.

**Jan Gugliotti made a motion seconded by Bev Howe to deny the special exception for CATCH Case # 2025-1, relating to Map 35 Lot 4-3 in District C-1 Intervale, to construct a 48-unit multi-family workforce housing development. Roll Call Vote Bev Howe YES, Derek Narducci YES, Jan Gugliotti YES, Lucinda McQueen YES and Barb Marty YES.**

#### **B. Application for a Variance**

**Case:** 2025-2

**Applicant:** Concord Area Trust for Community Housing (CATCH)

**Owner:** Comet, LLC

**Address:** Route 103

**Parcel:** Map:35, Lot:4-3

**District:** C-1, Intervale

**Description:** Application to allow construction of a building 20' from the edge of the public right of way where 40' is required in the district. ARTICLE XI Provision C. Frontage, lot, and yard requirements.

The Chair stated that there are five criteria on the variance.

#1 & 2 granting of the variance will not be contrary to the spirit of ordinance (2) or public interest (1) Jan Gugliotti believes the spirit of the ordinance is to have a reasonable buffer between traffic and residential building. She stated that cutting the buffer in half means that noise and safety concerns are increased. Sam Carr explained that the variance is being sought to suite the size of the structure. Lucinda McQueen agreed, noting that the applicant advised the Board that if they were denied the variance, they could not build the 48-unit development. Bev Howe spoke about setting precedent. The Chair explained that part of the reason for setbacks in the ordinance is to prevent the feeling of overcrowding and a building of this size and height will make that entire district feel crowded. Bev Howe stated it will be ugly. Derek Narducci spoke about the rural character of the area to visitors and how a building of this size would affect that. He stated that he is concerned about the traffic congestion in the area and how that will affect the area. Derek Narducci spoke about the environmental impacts that traffic will have on the river.

#3 granting of the variance substantial justice is done. The Chair explained that this criterion is where the loss to the applicant is not outweighed by the gain to the public. Jan Gugliotti stated that the town has expressed that they do not want a four-story building, a dormitory style building twenty feet from the road. Sam Carr explained that there is not a large enough need in town, it would be a detriment to serve too few people. The Chair stated that the town would be absorbing a significant number of new residents and the servicing of this development. The Chair noted that the applicant stated that there are eleven applications for every available apartment. The Chair stated the applicant has not provided the requisite number of parking spaces. Bev Howe stated that there are no sidewalks along Route 103.

#4 By granting a variance the value of surrounding properties is not diminished. Derek Narducci reiterated that the Town has so little commercial space. He stated that if a commercial business were in the proposed location the other businesses would benefit from increased patronage. Lucinda McQueen questioned if the value of surrounding properties could also include the condition of the river and open space. Derek Narducci believes that it refers to the property value (financially). Lucinda McQueen believes that it would affect the value of the homes on Main Street. James Zablocki pointed out that the surrounding businesses would benefit from the increase in people in the area. Derek Narducci stated that he is considering the homeowners in the area. Sam Carr spoke about the look and feel of the area with a large building, larger than anything else in the area. Lucinda McQueen stated that the size of the building is off-putting to have that much congestion, density of humanity right there in a small town. The Chair summarized the Boards comments that the development would negatively affect the desirability throughout the town and diminish the property values of the closest residential properties.

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

a. For purposes of this subparagraph, “unnecessary hardship” means 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 to the property; and ii. The proposed use is a reasonable one. OR b. If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, 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 it.

The Board agreed that A. the “unnecessary hardship” is self-imposed. The Board discussed B. the special conditions of the property. The Board discussed the other properties on that side of the road that have the same slope, the river at the back and are at least 40 feet back. Derek Narducci summarized that there is no physical condition of this property that would necessitate a variance. The Board agreed that the proposed use is not a reasonable use. The Chair spoke about the inability for emergency vehicles to get around the other side of the building. Derek Narducci added that once the parking lot is full of tenant’s vehicles the challenge for emergency vehicles significantly increases.

**Bev Howe made a motion seconded by Jan Gugliotti to deny the application for a variance for CATCH Case # 2025-2 on Map 35 Lot 4-3 in District C-1 Intervale, to allow the construction of the building 20 feet from the edge of the public right of way where 40 feet is required in the district. Roll Call Vote Bev Howe YES, Derek Narducci YES, Jan Gugliotti YES, Lucinda McQueen YES and Barb Marty YES**

The Chair explained that the Board’s decision will be sent to the applicant within 5 days and the applicant has 30 days to appeal the Board’s decision.

## **ADJOURN**

**Bev Howe made a motion seconded by Lucinda McQueen to adjourn the meeting. Motion passed unanimously.**

Respectfully submitted by Tracy Doherty on 6/4/25