



TOWN OF WARNER
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Zoning Board of Adjustment

Wednesday, June 25, 2025, 7:00 PM
Town Hall Lower Meeting Room

I. OPEN MEETING and ROLL CALL

The Chair called the meeting to order at 7:00 PM.

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

II. NEW BUSINESS: CONTINUATION OF PUBLIC HEARING

A. Application for a Special Exception

Case: 2025-5

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 34-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 this is a continuation of the first hearing on June 11, 2025, for the 34-unit special exception application. She explained that the variance request to build within the setback has been withdrawn. Tom Furtado, CEO of CATCH, and Attorney Jeff Christenson addressed the Board.

Tom Furtado stated that with this application they are proposing a 34-unit, multi-family workforce housing development. The Chair opened the floor to continue public comment.

Janet Scigliane Garcia spoke against the development, stating that this is a horrible idea for Warner. She asked if the residents have any say in this decision. The Chair explained that residents are welcome to voice their opinion during this public comment portion of the hearing. Janet Scigliane Garcia stated that the building does not fit Warner, and she stated that it looks like a hotel or storage facility.

Nancy Martin would like the Bradford Conservation Commission letter to be read into the record. The Chair stated that letters received will be summarized after the audience has spoken.

Andy Bodnarik asked if the Warner Fire Chief responded regarding this development. The Chair stated that the Fire Chief has not responded. Andy Bodnarik expressed concern relative to the impact on the Warner River, ground water and wildlife. He stated that he feels the building size is too large for the site. Andy Bodnarik would prefer a 24-unit development.

Mike Smith stated that he does not see how this development fits the spirit of Warner. He echoed the concerns of Mr. Bodnarik. Mike Smith expressed concern about the size, visualization, impact on traffic, town services and property taxes. He reiterated that this development is not Warner. He questions why development proposals of this type keep coming to Warner.

Janet Scigliane Garcia stated that this is more appropriate for the city of Concord not the small rural Town of Warner.

Ben Frost via Zoom asked to be recognized. He spoke in support of this development. He explained his professional experience working with CATCH. Ben Frost referred to the ordinance that states that development is to reflect the character of the town as it has grown over time. He noted that the building is more consistent with certain buildings that exist in Warner's history than many other buildings currently existing in that district (Market Basket). He stated that it is approximately the same in size as the Odd Fellows building in the center of Town and the factory that existed on Depot Road. He stressed that it is not inconsistent with other historical architecture in Warner. Ben Frost acknowledged the building is large. He stated that the zoning ordinance allows for buildings up to 45 feet and this proposed development meets that standard. He reminded the Board that it is not appropriate to say the building is too high when the Zoning ordinance allows that size.

Ben Frost explained that the matters before the Board are not popularity contests while recognizing that some members may not like the proposed development. He stressed that if the development meets the standards of the Zoning ordinance, the Board is obligated to grant the special exception. Ben Frost explained that there is a legal standard the voters have already voted on and that is what this application should be judged against. Ben Frost stated that there is a housing crisis statewide (housing affordability and supply). He acknowledged that Warner is not responsible to solve the statewide crisis, but Warner does have a role in it. Ben Frost explained that Warner has a legal responsibility under NH State Law. He explained that the workforce housing law, adopted in 2008, says that every municipality has an obligation to provide a reasonable and realistic opportunity for the development of workforce housing. He stated that that does include rental, multi-family housing. He advised the Board that Warner's zoning ordinance was designed to meet this legal standard. He stressed that it is a permitted use in the district. He cautioned the Board not to insert their personal opinions here. He advised the Board that the NH Supreme Court overturned a Planning Board decision finding that the decision was based on personal opinions of the members when a decision must be based on the facts of the case. He strongly encouraged the Board to read the case law of the Trustees of Dartmouth College vs. the Town of Hanover. Ben Frost stated that the Planning Board will thoroughly review the proposed development. He reminded the Board that a few years ago the ZBA granted a special exception for a multi-family, rental, workforce housing on this site.

Mike Smith reiterated that the development does not meet the spirit of Warner.

Andy Bodnarik stated that the previous application that was approved showed a different location on the site and emergency vehicles had the ability to go around the whole circumference of the building and there were fewer units proposed. He stated that a 24-unit development would accommodate emergency vehicles. Andy Bodnarik stated that consistently people have spoken out against the size of the building. He stressed the Board has the ability to say that the proposed building is still too big and in a bad location. He stated that the size of the lot does not satisfy the requirements of the ordinance when a building of this size is on the site. He spoke about the concerns relating to school buses.

Pier D'Aprile stated that it is not a fair comparison to compare Market Basket, a commercial supermarket, to this housing development. He recommended the Board represent the people. He stated that the HAC survey clearly reflects that Warner residents do not want apartment buildings, they want single family homes. The Chair explained that she reviewed the housing survey results and 92% of the respondents indicated that they do not want an apartment building.

The Chair acknowledge the legal obligation that the ZBA has when considering this application. She reiterated that the proposed development is permitted by Special Exception pursuant to the Town's zoning ordinance.

Mike Smith asserted that Warner needs revenue, revenue that a housing development does not bring in. He suspect there is another more suitable site outside of the Town's small commercial area.

Pier D'Aprile stated that the rental prices that have been presented are not necessarily the cheapest in town. He explained that workforce housing does not mean the least expensive. He stated that he found rentals for less.

The Chair summarized the letters that the ZBA received regarding this project.

Ben Frost previously summarized his letter.

Michael and Jiselle Bogardus do not support the proposed development

Dan Watts stated he is in support of the project, he hopes the ZBA will do their due diligence.

Bradford Conservation Commission, Ann Eldridge, believes this is a regional impact because of the proximity to the Warner River. She believes that there are insufficient buffers to the river and referenced the easement that the Town of Warner holds to protect the river.

Dan Morrissey, Chair of the Warner River Local Advisory Committee, spoke to flooding concerns and the impact of run-off.

Janet Scigliane Garcia spoke about the impact this project will have on property taxes and the school district. She stated that the Town is overspent and overtaxed. She urged the ZBA to listen to residents. She asked for clarification on the language in the law regarding workforce housing. The Chair explained that the law requires towns to provide reasonable opportunities for workforce housing. The Chair stated that the number of children that will reside in this development is estimated to be eight students.

Andy Bodnarik stated that the Town does meet the requirement for the availability of locations where workforce housing is permitted, without including the commercial zones.

Trish Mitchell stated that the negatives of this project outweigh the positives. She stated that she is not opposed to workforce housing, but the location is a bad location because it will be so prominent. She feels that a commercial business would generate more revenue and is concerned about the impact on the Warner River.

Ben Frost pointed out that the commercial districts at Exits 7 and 9 are the only places in town under the zoning ordinance where a larger multi-family rental workforce housing building may be built. He stated that workforce housing is allowed elsewhere in town but not at this scale.

The Chair asked about the visual impact of the building. Tom Furtado explained that they tried to address concerns expressed regarding the height of the roof. He noted that they wanted to provide roof options; a gable roof or a flat roof. The Chair asked about the proposed playground. Tom Furtado explained that an area is designated for the playground. He stated that if for some reason the funds do not cover the playground, CATCH will apply for grants.

Ed Mical asked what will be done to protect the conservation land and asked if the new preliminary floodplain maps had been reviewed by the developer. Jeff Christenson stated that they will follow all DES requirements. Bev Howe referred to the letter from the Warner Local Advisory Committee. She stated that if everything listed in the letter is true it is not possible for the proposed development to be built on that site. The Chair explained that the applicant has the letter and they are aware of where the floodplain is. She stated that this Board is here to determine if the application meets the criteria for a special exception.

Derek Narducci questioned the ability for fire trucks to access the property. He asked if it is possible to create an access point on the far-left side of the property. Tom Furtado stated that as part of the Planning Board's review that will be determined.

The Chair asked for any additional comments. Hearing none, the Chair closed the public hearing at 8:00 PM. The Chair called a 5-minute recess.

The Chair asked the Board to address their comments specific to the criteria.

Lucinda McQueen stated that the proposed development does not suit Warner for workforce housing. She feels the proposed building will impair the neighborhood and the town. Lucinda McQueen objects to the size of the building and to the proximity to the wetlands. She is disappointed that the Fire Department did not provide their comments.

Jan Gugliotti stated that she agrees with Lucinda McQueen's comments. She explained that the ZBA gets into the gray areas. She stated that what they are considering is hypothetical because the Board cannot measure the exact impact with such a large development. Jan Gugliotti spoke about the projected property tax of \$90,000 being inadequate. She strongly disagrees with a 34-unit apartment building in this area due to the negative impacts on wildlife and the Warner River. Jan Gugliotti believes that few, if any, residents of Warner or employers who need housing for their employees would qualify for this housing. She stated the rent is at market value. Jan Gugliotti explained that the proposed development goes against the character of Warner and will impact property taxes. Jan Gugliotti stated that the residents have been clear that this development is exactly what they do not want in Warner.

Bev Howe stated she does think the proposed development is essential or desirable to the public convenience or welfare. She explained that the proposed development will impair the integrity and character off the town and the district. The Chair asked Bev Howe to provide her findings of fact. Bev Howe stated the Board has discussed this numerous times. She explained that putting a traffic exit on a road that is a four-corner road, halfway up a hill, is dangerous. She stated the traffic there is traveling at great speed. Bev Howe spoke of her concerns regarding a school bus stop in this area and children playing. She believes the estimate of 8 children living in the development is significantly underestimated. She is concerned about the property tax impact. Bev Howe stated that residents have reached out to her against this project. She stated the town needs more commercial businesses.

James Zablocki stated that when traffic gets off the highway at Exit 9, they see a Market Basket, Dunkin Donuts, McDonalds, two gas stations and a liquor store. He questions how this development will impact the visual landscape of that area. James Zablocki stated that the Kearsarge High School has 500 people in the building, and the town of Sutton has the same size fire department as Warner does. He asserted that if the Sutton Fire Department is not concerned about school, he doubts the Warner Fire department will be concerned about a 34-unit apartment building.

The Chair stated that the Board is discussing the requested use, a multifamily workforce housing development, which the ordinance has consideration for. She explained that ordinance allows this use by special exception. The Chair stated that she believes the use itself is essential and desirable to the Town. The Chair spoke about the need for affordable housing. The Chair stated it would be a clean, well maintained, and well managed development. She noted that it will provide reliable rent based on the renter's income and that is something that will benefit the town. The Chair spoke about the benefits of the development being located in a commercial district, the close proximity to the highway, essential services and water and sewer. The Chair explained that she does not like that the development is near the Warner River. She is concerned about runoff negatively impacting the wetlands. She believes that conditions can be placed on the approval to mitigate any negative impacts. She stated that she is not fond of the size of the building and would prefer a smaller 24-unit project. The Chair feels that safety measures can be put in place. The Chair stated that she believes the proposed project meets the requirements for a special exception

Derek Narducci stated that his personal opinion is that he does not like the development for all the reasons that have been expressed, but he agrees with the Chair that the proposal does meet the requirements for a special exception. Derek Narducci summarized the reasons he does not like the concept of this development, size and location. He does not believe it is a necessary development in Warner. He reiterated that it does meet the criteria that the Board must use to evaluate.

Jan Gugliotti made a motion seconded by Bev Howe that the application for special exception by the CATCH organization for Map 35 Lot 4-3 to construct a 34-unit multi-family workforce housing be denied.

Discussion on the motion: The Chair recapped the finding of facts as discussed.

Desirable: the residents of Warner who participated in the housing survey indicated that they do not want or support a large apartment building.

Not essential: people feel that less expensive apartment living is already available in Warner.

Character of the District: the building size, location and proximity to the wetlands is against the welfare of the town.

**Roll Call Vote Howe YES, Narducci NO, McQueen YES, Gugliotti YES Marty NO
The motion passed 3-2**

III. REVIEW MINUTES: May 28, 2025 and June 11, 2025

- May 28, 2025 meeting minutes

Jan Gugliotti made a motion seconded by Lucinda McQueen to approve the May 28, 2025 meeting minutes as amended. Motion passed unanimously.

- June 11, 2025 ZBA Meeting Minutes

Derek Narducci made a motion seconded by Jan Gugliotti to approve the June 11, 2025 meeting minutes as amended. Motion passed unanimously.

IV. COMMUNICATIONS

The Chair advised the ZBA does not have an application for July so there will not be a meeting in July.

V. ADJOURN

Bev Howe made a motion seconded Jan Gugliotti to adjourn the meeting. Motion passed unanimously.

Respectfully submitted by Tracy Doherty on 7/2/25