

TOWN OF WARNER – PLANNING BOARD
Approved Meeting Minutes
April 17, 2017 7:00 PM
Warner Town Hall

Members Present: Chairman Ben Frost, Vice Chair Barbara Annis, Selectman’s Representative Clyde Carson (for regular rep. John Dabuliewicz), Ben Inman, Ken Millender, Don Hall, Peter Anderson Alternate, James Gaffney Alternate
Also Present: Land Use Secretary Lois Lord

1. OPEN MEETING

Chairman Frost opened the meeting at 7:10 p.m.

2. ROLL CALL

Roll was taken with eight members present.

3. OLD BUSINESS

Public Hearing of Site Plan Application

Applicant: Dragonfly Holdings, LLC – Eric Miller

Property Owner: Richard M. George

Property Location: Warner Road, Map 3, Lot 33, Zoning District C-1

Site Plan for new construction of two buildings connected by a breezeway for use as an indoor gun range and retail store.

Review and Accept/Reject Application

Close Meeting and open Public Hearing

Close Public Hearing and reopen Meeting

Approve/Deny or Continue Meeting/Public Hearing

There were a large number of public in attendance and Chairman Frost noted there were more chairs if needed. He stated the meeting had been moved upstairs because he felt there would be more public at tonight’s meeting than the lower meeting room would fit comfortably. Chairman Frost said one of the difficulties with this room is the acoustics and he asked anyone who is speaking to speak loudly.

Chairman Frost continued: What the board has before us tonight is an application for an indoor shooting range and retail store on Warner Road, Map 3, Lot 33 in Zoning District C-1, the applicant is Dragonfly Holdings LLC, property owner is Richard M. George.

We understand that the ZBA has granted a special exception to this and we know that on that decision there was a motion for a rehearing by an abutter. The ZBA denied motion for rehearing and there has been an appeal to Superior Court of that decision. That does not affect the proceedings of this board and we will proceed as scheduled. Ultimately the ZBAs’ decision may be reversed by Superior Court and that would affect the applicant’s ability to use the property. That would be subject to appeal to Supreme Court regardless of what the decision of the Superior Court might be. It is always subject to appeal.

There may be some long proceedings ahead of us all in the application but for tonight this board is going to review this application for completeness. If we determine that the application is complete then we will accept jurisdiction of it and then at that time we will hold a public hearing after a presentation of the application by the applicant. Just for purposes of my time management, could I have a show of hands as to

how many abutters are here who wish to speak (there were two hands raised.) How many other people wish to speak to this application?

At our last meeting the board did a fairly extensive review regarding the materials submitted with the application but at that meeting we chose not to accept jurisdiction over the application. That is what we have as the first order of business before the board right now. We did ask the applicant, Dragonfly Holdings represented by Eric Miller, for some additional materials. That does not necessarily mean that the absence of those materials means the application is incomplete. This is a question for the board, is the application sufficiently complete for the board to begin its considerations.

There were a number of things that we recommended be included with this plan and I'll go through those. Eric, will you please let us know if you responded to these things tonight or if we're going to be looking at a future meeting for additional information.

Chairman Frost:

Dimensions of the building elevation

Snow storage plan

Signage

Details on porous pavers

Curbing on the plan

Sidewalk dimensions and materials

Profile of the ADA ramp

Specs on lighting installation

Emergency exit locations

Location of propane tank

Distance of the septic system & well from the bldg.

Dept. of Energy standard on indoor ranges

Landscaping Plan

Eversource Easement Document

Confirmation or rutation of hazardous materials on site Lead reclamation program submitted

Applicants reply:

They're there

There

There

Submitted

Submitted

Submitted

Included

Submitted

Submitted

Included

Included

Included

Included

Attached

Chairman Frost: Lois we had also talked about communications from DPW, Police and Fire. Lois Lord: I had gotten that from the Police and Fire. I did get a written one from the DPW because the one I had at the previous meeting was just an oral over the phone. Chairman Frost: So we have all three in writing? Lois Lord: Yes

Chairman Frost: I neglected to appoint an alternate. Aedan Sherman has resigned from the board, he's a regular member so James would you vote in his stead? James Gaffney: Yes.

Chairman Frost: We're at the question now, is this application sufficiently complete for us to accept jurisdiction over it. Thoughts or comments from the board.

Don Hall: It appears that the applicant has fulfilled his obligations.

Barbara Annis: I haven't seen the changes and would like to before I vote.

Chairman Frost: Do we have plans?

Lois Lord: Yes. (New plans were passed out.) The revised pages are 1-4 which were received today.

The board took several minutes to review the plans.

Chairman Frost: The question I have asked the board is if the application is sufficiently complete to accept jurisdiction. Barbara Annis: After having seen the plans I can say yes. Chairman Frost: I will entertain a motion to accept jurisdiction.

Ken Millender made a MOTION to accept jurisdiction of the application, seconded by Ben Inman. There was no discussion; a voice vote was taken with all in favor 7-0-0.

Chairman Frost asked the applicant, Eric Miller to present his application to the board and the public as to what he is planning to do on this site and attempt to answer any questions he has been presented with. Chairman Frost noted that after that the meeting will proceed with the public hearing.

Eric Miller: Mark Mosher who is the civil engineer on this project will start give a brief description of the actual site plan and as he gets to the end of that I will continue my talk about the plan in general.

Mark Mosher, Civil Engineer: There are seven sheets to the site plan and it requires me to have a check list. The property is located on the north end of Warner Road close to the intersection of Route 103. It's 2.94 acres and is almost adjacent to the old Warner Lane and you've got the tractor place and the state shed across the street. It's zoned commercial, C-1.

Mr. Mosher pointed out the following on the site plan plat: the location of the property in relation to the ramp for I-89/Route 103/Warner Road, property line, driveway location, the office building and store of 2500 square feet, another building directly adjacent to it of about 9500 square feet for the range, paved parking in the front that will consist of permeable pavers, gravel overflow parking on the south side, the entrance which will be paved.

Mr. Mosher: The majority of the property will have grass on the south end and grass on the north end and there will also be permanent plantings around the entire property. The plantings are basically Japanese maple interspersed with crabapple. The property will have an on-site well and septic. It's a very sandy piece of property; we have tested and analyzed the soil for run off infiltration and sewage disposal. The water table was down around 6 feet and the grade is very flat.

Mr. Mosher pointed out the drainage plan and said: What we have decided to do is utilize the sandy soil to capture and infiltrate the storm water runoff. The town of Warner regulations require that there be no increase in storm water runoff and the way we have handled that is the gravel parking lot will flow to a rain garden which is about 14" deep and 16' x 120' long. There is a swale on the south end of the gravel parking that will pick it up in the rain garden and then the larger storm drain. The 100 year storm will discharge down Warner Road to a culvert.

The drainage from the building, we're going to pick up with stone filled infiltration trenches that are directly adjacent to the building. The trenches are 3-4' deep and about 4' wide. Those are located on the north side of the building and we're picking up the east side of the drainage with trenches here and here. The parking lot in the front will be permeable pavers which essentially capture the water and infiltrate it right away. The well is on the south side of the property and the leach field is directly adjacent to the building.

The next plan is an erosion control plan which essentially uses silt fence to isolate and check runoff from fill areas. It will also be used around stockpile areas and we also have stone check dams in the drainage swale in

the front of the property. The entrance will be a temporary or construction exit to prevent traffic on the site. The following three sheets are construction details for the drainage and the erosion control.

Eric Miller, Applicant: Why don't I start by answering a larger question, what will Dragonfly Ranges be? Dragonfly Ranges will be an indoor gun range that captures 100% of the sound in the building. All of the spent ammunition will be recycled and captured. Everything down to the drains within the building will have traps in place and HEPA filters to prevent any of the lead dust from even entering the range and the building.

The primary purpose of the range itself is an educational facility and will offer classes for novices, education classes in terms of the laws regarding firearms and provide a safe, healthy controlled environment in which to practice and become proficient. In terms of the overall makeup of the business there is a retail store associated with the indoor range. The retail store will represent 15% of the sales or less. I don't know if you're aware of it but since the change in the presidency, gun sales have plummeted and are a fraction of what they were a few months ago. The trend is projected to continue. The basis of this business model is not based on retail sales of firearms; it's based on a combination of range time and training for that facility.

The layout of the range itself and what you will see is a weird u-shaped layout within the lot itself. The reason is sound abatement and we have captured any sound that could possibly escape. What you'll see is these walls manufactured by Nudura and have sound abatement qualities to them. There are two physical walls of this nature (applicant held up sample consisting of two foam walls with spacers inbetween) with 6" of cement in the middle sandwiched by the foam on either side, sandwiched by sound abatement panels on the outside of that.

The layout is shaped like a u in order to be a good neighbor to our abutter MadgeTech. I put together a white paper that is available to the public and I have submitted to the board that talks about sound abatement. Based on the studies of this manufacturer of this product what they are saying is that the sound that escapes this building will be less than a whisper. Should that sound end up penetrating these two walls and get to the outside of the building, the building is shaped like a u in order to capture and the breezeway that connects the range to the store is a sound break for my neighbor so that any sound that is caught in there will actually be projected back towards the forest on the other side. Based on the engineering studies done by this manufacturer, the combination of having two walls between the firing range and the outside should reduce it down to that of a whisper.

The other thing we've done from a design standpoint is that when you look at the layout of the range itself, what you will see is in the dead center of the building is a 46' wide room that is 75' long plus the bullet traps and the firing lane. That is our rifle range. Rifles are substantially louder than pistols so what we have done is put it in the center of the building. What that means is that behind the firing range there is a sally port which is basically a hallway behind where the lanes are with two sets of walls behind the fire arm. If you look at this from the abutter's standpoint, who is over to the side of the building, there are actually 4 of these walls between the rifle range and their building. The range itself is set up to have 52 lanes. You have the rifle range in the middle and on either side of it there are 3 competitive pistol ranges. Each of those ranges will have a shooting suite that will be separated by one of these walls in order to contain the sound.

Above those pistol ranges, what you have is a sound abatement panel, you have a closed foam insulated pad for sound abatement, you then have an AR500 steel metal plate that seals the top of that area. It's necessary that it be airtight because if there is a negligently fired round that metal plate has to keep that round from getting anywhere else in the building. Above that steel plate will be are 2x12 joists that will be a platform on which the HVAC systems will sit. Inside those 2x12 joists will be cellulose based insulation because of the excellent sound abatement qualities which will be R50. When you get to the HVAC units above the pistol

ranges, that entire room is enclosed with foam panels surrounding it and on top of that before you get to the outside of the building, you have another layer of cellulose type insulation. That is to keep the mechanical noise of the HVAC system from interfering with our sound abatement program itself.

On the outside of the building, if you were to look out ranges starting on the extreme right hand side, there will be a single lane that will have one wall between it and the outside of the building. Every lane after that has an additional wall because of these shooting suites. You're looking at a pistol which is a maximum of about 140 decibels being on the outside of the range. As you start working from that side inwards, each individual lane has more layers of these walls to separate and control the sound. The entire design from the very beginning was built in order to have sound abatement qualities.

Department of Energy publishes minimum standards and a Range Design Criteria. Every range in the country uses it because the insurance companies demand that you build to that standard or better if you want insurance. It is a common standard across the country. That minimum standard is that you have a single 6" thick cement wall with one single layer of sound abatement panels. What we have, in the case of that one lane that is close to my abutter is a sound abatement panel on the inside, 2 5/8" of this foam, 6" of cement, another 2 5/8" of foam, and then on the outside you have the siding all of which is meant to contain that. The minimum standard would be just that one panel plus the cement wall. This would actually exceed the minimum standard by about 300%.

Going back to sound abatement, there are two things they publish when they cover this. One is when you buy a sound abatement panel, they assume the consumer is buying that in order to keep the room that they're in quiet. So the standard that's published is how much sound gets absorbed by that panel and how much of the sound actually gets reflected back out into the room you're in. If you look at the sound abatement policy that we have what you'll see is two standards that don't necessarily line up with each other and that's actually the way the industry does it. The reason is that you have two different standards, the sound abatement panels are meant to reflect the sound and try to contain.

Where this gets a little complicated and what we're discussing here today is how much sound will go through this wall and pass on out beyond the building itself. For that I have what they call the sound transmission classification. Sound transmission classification is meant for a building system and it's looking at it from a different standpoint. In this particular case, there is an engineering study that's attached to the sound abatement policy from this manufacturer that says if you put sheetrock on either side of this, in the frequencies that a firearm fires, 80+ decibels of that firearm will be extinguished before passing through this wall. If you add on top of that sound abatement panels, it would actually be greater than that. Going back to what I was saying earlier, there are two walls between the back of the firing lanes and the outside of the building in order to capture that sound.

In terms of the individual design, this was designed not to be built to the minimum standard, the actual sound abatement standards that we have applied here are at a minimum 400% greater than the minimum standard that is published by the Department of Energy. If you were to look at that middle rifle range where you have 4 walls to your right it's substantially higher than that. You could not argue that sound could pass through those 4 walls and actually survive to get to the outside of the range.

One of the things that has come up is concern about the actual lead. There have been people that are concerned that lead will escape the building and end up hitting the water table in one way or another. In the case of an indoor firing range, there is a regulatory agency that oversees how you manage that. Starting from the standpoint of an individual range, when that firearm is fired you must have enough air passing by the shooter to keep the smoke and the lead dust that comes out of the firearm so that it continues down and away from the shooter. In our size range, 40,000 cubic feet of air will pass per minute past the shooters over

all lanes all together. If this was 10 years ago, what the vendors pushed heavily was the circulating system. You would end up pushing air towards the end of the building where the bullet trap is, capture that, filter it and send it back down to the other side of the building.

The EPA has come out and said that you have a fresh air system that the HVAC vendors call a pump and dump. You bring in fresh air, running it through filters to remove the pollen, that is what comes in and goes past the shooters face. On the opposite end of the building there is a filter bank which will have 20 filters side by side. The reason they are set up that way with a pre-filter and the filter itself is to pull enough air away from where the shooter is. The key design featured here is that you must get to a negative air pressure inside the indoor range. In order to do that you need about 110% of the air that's being pumped into the building at the shooters end pumped out on the opposite end of the building.

The regulatory body that oversees this, the EPA, makes unannounced visits to every indoor gun range in the country. They put a smoke pot on the firing table and if that smoke pot swirls and the smoke comes back to where the shooters are standing, it's a \$100,000 fine. In order to avoid that you have to have a filter maintenance program where on a regular basis you remove and replace the filters on the opposite end of the building. If they get clogged you drop below that 100% and that lead dust and smoke hangs in the air and shooters can breathe it back in their face. Besides the assurances you will get from Dragonfly Ranges that we will keep this to the highest possible standard and put in action best practices, we have a regulatory body on top of us who is very willing to give a \$100,000 fine. I can show you 6 examples across the country where the EPA has done that. We are highly motivated to adhere to that.

Once this lead has been fired, the EPA has determined that the lead while sitting in the bullet range is not hazardous waste; they consider it to be scrap metal and have a special exception to the hazardous waste rules. In a separate memo that is available which I have given to the Planning Board about our lead reclamation program, the EPA has ruled in court and in writing that the lead while it sits in the rubber that is in the bullet trap is considered scrap metal. Roughly, about every 18 months you have a company that comes in and mines that rubber in order to pull out the lead and new rubber is put in. On a daily basis, what we end up doing is going in with an explosive proof HEPA vacuum that will vacuum up any lead dust that is fired out of the firearms and ends up floating. Roughly the spot is between 8-12' away from the shooter where the lead dust settles on the floor. The reason it's explosive proof is that not all of the gun powder goes off when the bullet is fired. This is a wet vac with a fine mist of water that is put over the lead dust to keep it from stirring up and affecting the employees who will be wearing full protective garb as well as a filter system. You start off by misting down the dust, then you wet vac that dust up. There is a drain in the range designed with a trap system which gets plugged when you are cleaning to keep the water and any lead contained. You use the HEPA vacuum to suck that up and put it into the vacuum container. The HEPA filter is a secondary system and is expensive so if I let the water run out I would be replacing HEPA filters all the time.

Once you've captured the lead dust its kept in a Home Depot 5 gallon bucket with the lead dust at the bottom and you keep at least 1" of water on top of the dust so that it doesn't have any opportunity to become airborne and then pop a cover on it. There will be a 100' long attic above the firing range and the buckets will be stored up there which is in compliance with all the EPA requirements. When the lead reclamation company comes in, once every 18-24 months, they collect the buckets as well as the lead that is in there.

Something different from other firing ranges that we are doing with this range is on either side of the competitive pistol ranges are going to be pneumatic targets that will raise and there will be a steel target that has a 24 degree down angle. When a lead bullet hits a steel target the lead is softer than the steel and it shatters. What we have designed is a trough system that will have solid ballistic wax in it so when the bullet shatters it will go into the trough. On a nightly basis, there is a water chamber underneath this that when it

heats up will make the wax liquid so that the lead sinks to the bottom of the trough. On a weekly basis as part of cleaning and maintenance, we will go in with a ladle when the wax is in liquid form and scoop out the lead fragments. They will also go into a 5 gallon bucket where it will be suspended in the wax that's been pulled out of this system. There are a couple of different places where there will be lead and in each case we have a system in place to recycle 100% of that.

In terms of the lead abatement program, that covers what any range will do who adheres to best practices of how to run a range. The only other comment is the filters that have filtered out the lead dust will go out and be recycled. All of the lead will be recycled and nothing in terms of lead is leaving that building. The employees that we have will have all of the protective gear that you would hope someone working in that environment would have.

The overall understanding of the range itself, its value to the community is the fact that because we have gone to such a great extent to contain the sound and to address the lead issue, it becomes a much better option than shooting in your backyard. If you have neighbors that have livestock it's perfectly your right if you have land to go out in your yard and practice with your firearm. However, if you want to be a good neighbor, you want to bring it to an environment where the sound is contained and the lead is dealt with. That's what we're looking to be, that alternative for the community.

Chairman Frost asked the board if they had any questions for the applicant.

James Gaffney: The AR500 plate in the ceiling of the range, is that from end to end?

Eric Miller: A traditional firing lane would be about 15' out. This goes out 25' so for the pistol ranges those are going out in a flat for 25'. From that point to the actual bullet trap they're angled down. I have only fixed firing points, I'm not looking to have someone who can roam down lanes and fire from anywhere. The geometry is worked out in such a way that there's no possibility of a bullet missing those plates. For the 15' feet up to the firing lane, there is a steel plate across the top of them and as soon as you get beyond the firing lane it goes to traditional angled ceiling baffles.

James Gaffney: Where does the plate start and where does it end?

Eric Miller: At the back wall where the sally port is, it goes up 25'. In the case of the rifle range it starts at the back wall and goes up 15' then the ceiling baffle goes all the way to the back wall. This was a diagram that I was using and I was showing the steel plates here and here and this is the more traditional with just a 15' plate covering it.

Chairman Frost clarified the ceiling plates of AR500.

Clyde Carson: How many employees will be on site?

Eric Miller: On weekends you're probably looking at 6 employees there simultaneously. The business model is nights and weekends for peak time. During that timeframe you'll have about 6 employees and during the slower times, there may be 2-3.

Clyde Carson: At the peak time in terms of people who would be coming to the shop or to use the range what would be the maximum number of people on site?

Eric Miller: There are 16 lanes and 6 of those are competitive lanes which can accommodate up to 4 people so they compete. You're looking at about 220 shooters if I was full to capacity all day. In terms of the store itself, I'd be shocked if I ever hit more than 25-35 customers at any given time, what is more likely is 5-10.

Clyde Carson: The question would be where would all those people be parking?

Eric Miller: There's 31 sites (this was revised to 34 by Mark Mosher), in front of the building and overflow parking in the back. At any given time, looking at all lanes being full there's 22 people in the lanes. If there were a run on guns then I would be pushing to my overflow parking, otherwise there would be a handful of people for the retail store itself.

Chairman Frost clarified that when Eric said 200 people he meant in one day total, not at any single time.

Barbara Annis: In regards to safety, is there a minimum age to participate?

Eric Miller: They will need to be 18 or with their parents in order to rent a gun. There will be a training program with fathers teaching sons and mothers teaching daughters, supervised one on one classes with a teacher along with them. One of the pieces of equipment in terms of safety that we intend to buy is a remote control safety to use in teaching a minor how to properly handle a firearm. The remote safety is on a pistol or rifle and during a direct class the instructor will release that safety when they are at the firing lane, they have complied with all the demands of the instructor and are ready to receive the fire. I doubt we will see students below the age of 15 but there will definitely be parent/child training classes so that this becomes a safe environment in which parents can introduce firearms to their children.

Barbara Annis: In the rifle range, it appears to be a wide open space. How many people can shoot at the same time in the rifle area alone?

Eric Miller: There are 10 lanes, each lane roughly 4 ½' wide with a bulletproof panel that separates each one of the shooting lanes so when someone comes in they're renting an individual lane. On average about 1.2 people will be in each of those lanes over the course of a busy period as you will have solo shooters and double shooters sharing a lane.

Barbara Annis: Entrance and egress into the firing range building, you have the breezeway which is a good way to get control on the noise coming out of the firing range. But I am also looking at another little build out and is that another entrance going into the firing range?

Eric Miller: It is not. In terms of fire escapes, there are two exits from the sally port. One of them is directly next to the range safety office in the bump out. 100% of the time when there are people in our lanes, there is a range safety officer who is either in the lane or at their station. There will be two sets of cameras per lane so that the range safety officer can see what's happening from outside the lane looking in and from the back of the lane looking forward. The design of that being in the middle of the building is to allow a range safety officer who sees something they're uncomfortable with to be behind the shooter within 10-15 seconds so they can correct them and stop them from doing something negligent. For egress, if you're coming into the store you will be met by a hostess greeting table where range availability will be worked out. When their opportunity for the range happens, they have to walk through to the back of the store, down the breezeway and out to the lane.

Barbara Annis: In the pistol area there seems to be quite a bit of distance around it. How many people can be accommodated in that so that I'm looking and saying no horseplay in that area, can 3-4 people go into one area?

Eric Miller: Those are shooting suites. All firearms are on the table and pointed down range. When you have a group of 4 that is using the targets for competition, their firearms are on that table. Those who are not currently shooting should not have their slide open and we will enforce that rule and have the weapon itself unloaded. The person who is currently shooting is the one physically at the firing lane and behind there are potentially 3 shooters at a bar table where they can sit high enough to see how their friend is doing while shooting. In terms of horseplay the camera system, in order to be able to scan 16 lanes simultaneously, will have a total of 4 TVs each one of them on 4 lanes. These are high def. and large and clear enough that the range safety officers can scan the screens, determine what is happening and take corrective measures.

Ken Millender: The bullet trap rubber, is the rubber removed with the lead at the time of reclamation?

Eric Miller: When the bullet passes through the rubber, the majority of those rounds will end up embedded in the rubber so that part of the process is they are going to pull out the rubber and run it through a system where they are taking out the lead. This is performed on the property. The problem is they are chopping up the size of the rubber so that before that rubber is returned to the lane it goes through a size order and the large pieces that have had lead removed will be returned back to the lane. The rest of it will be supplemented with new rubber. The rubber that has been removed of lead but is too small for it to be of great use will go out for recycling.

Ken Millender: The weapons that you're going to have there are limited to rifles or pistols or automatics and semi-automatics as well?

Eric Miller: There will be semi-automatics and automatics available for rent and that is done under supervision from a range safety officer.

It was confirmed the semi-automatics and automatics will be strictly for rent and not for sale.

Eric Miller: I am a big proponent of silencers and we will sell those because that is the equivalent of putting a muffler on a car. It saves peoples hearing but what you are referring to are considered Class III weapons and the only Class III device we will sell will be silencers.

Don Hall: One of the questions I have has to deal with Life Safety Codes. When you start putting a good number of people in a building you have to have some kind of egress in and out and I don't see any outside doors for fire or medical personnel to enter that building if there was an emergency. Do you plan to put outside doors on that building?

Eric Miller: From the firing point to the bullet trap you do not put outside doors, it's considered under the classification and code of storage area. You need to look at it from the firing lane back and the sally port because that is the area you will have people in. None of the ranges in the country that adhere to the Department of Energy standards have doors on the side walls of their firing lanes. When they're in the actual firing lanes there are two fire escapes. One is directly next to the range safety office and the other is in the breezeway that leads you to a fire escape.

Don Hall: No other egresses, anywhere around the building?

Eric Miller: If you move over to the store.....

Don Hall: Forget the store; I'm talking about the firing range. I'm reading here on page 26 about National Life Safety Codes when installing doors on indoor ranges. What I'm basing my information on is they are saying emergency personnel must be able to access the doors. My question is how you get all these people out in an orderly fashion without providing adequate access.

Eric Miller: There are two fire doors for 22 people. As far as access for the firemen they will use the door that is next to the range safety office in order to go in and have access. If you're referring to from the firing lane to the bullet trap, there are no doors in that area. That has to do with trying to avoid the geometry of how bullets hit metal. If a door with a metal frame was in that area a bullet could catch the sill and bad things could happen. Every range in the country, from the firing lane to the bullet trap does not have fire doors. On the flip side of that from the firing line behind it to the sally port there are the 16 individual lanes and behind them are two methods of egress out and in for that area. We still meet the Life Safety Code.

Don Hall: Do they require a fixed fire suppression system at all?

Eric Miller: They do not; they treat it as cold storage. I had a discussion with the Fire Chief on this issue and contacted a fire suppression company and asked them if they could come for a quote and they said it's not necessary.

Chairman Frost: I'm sure we'll be interested in hearing from the Fire Department on Life Safety Issues.

Ben Inman: Where do you plan to store the buckets of lead?

Eric Miller: Since we have a pitched roof there will be a 117' long attic that will have roughly a 10-12' high ceiling. In that attic space is where those buckets will be, above the AR500 steel plates.

Ben Inman: I see you have handicapped ramps and parking so do you have handicapped doors on the facility?

Eric Miller: I haven't considered that but I have no objection to it. We intend to approach Wounded Warriors and the Veterans Hospital in White River Junction and make available, as a donation, an arranged time similar to in Europe where you buy a cup of coffee and put one on "suspend". There ends up being a queue of coffee for other people to ask for. We're going to ask our members when they buy ammo is if they would like to buy additional ammo to donate for Wounded Warriors to come in. Between us donating the time and a firearm if they need it and our members donating ammo, we expect our accommodations for those with disabilities will be second to none.

Clyde Carson: As a follow-up to parking, I found the overflow parking on the plan. How many cars in total will that take given the primary parking and the overflow parking?

Mark Mosher: Can we come back to that and I will give you a rough number.

Clyde Carson: Primary parking, how many spaces were there?

Mark Mosher: 34

Clyde Carson: Have you advertised or applied for hours or days of operation?

Eric Miller: I have not applied or advertised hours of operation.

Clyde Carson: What were you thinking?

Eric Miller: This is really an evening and weekend model. We will open up in the morning and in terms of the business model we have less than 10% of our revenue projected to happen between the hours of 8a.m.-12 in any given day with the exception of Thursday and Friday which we expect to have more traffic.

Clyde Carson: So you're aiming towards evenings and weekends?

Eric Miller: Yes.

Clyde Carson: In the evenings how late would you expect to be open?

Eric Miller: It's typically that we aim for about 8 at night but this will be something that's based on demand. Since it's a weekend and night model if we have members and the public who are interested in shooting till 9 then we would meet that demand. Out of the gate, it will be an 8 p.m. closing.

Chairman Frost: This board will want to specify maximum hours of operation so what are your outer limits? You need to think about that and present that to us. If you're thinking 9 p.m. you should say that and we would make that a condition of approval if we got to that point.

Mark Mosher: In the gravel parking lot we will be able to get 25-30 additionally.

Clyde Carson: So that would be up to 64 total.

Mark Mosher: Yes.

Chairman Frost opened the public hearing at 8:20 and stated this was the public's opportunity to let us know what they thought. He noted that emotions are charged pro and con and asked for respect for everyone who speaks, direct your comments to the board, if you have questions ask them and we will write them down. Try not to repeat what other people say, if you agree with someone, say so and then move on. Try to stick to facts and help to inform our decision on this application.

Chairman Frost: I'm going to first ask any abutters who wish to speak. Please identify yourself.

Public Testimony of Abutters

Paul Alfano, Attorney – Concord: I represent Warner Road Holdings, LLC which is the owner of Lot 34 which abuts this property on three sides. I also represent the business that is operating on that lot MadgeTech, Inc. and with me tonight is Norm Carlson, the manager of the LLC that owns the real estate and the president and founder of MadgeTech. Also with me is Lisa Constant who is an attorney with James Hages office. James was here at the last meeting and he is general counsel for MadgeTech, LLC.

I'd like to introduce MadgeTech. Their building is located less than 100' next to the proposed building so they are pretty intimate abutters. MadgeTech designs, manufacturers and ships data logger devices. What they do with these devices is measure all sorts of things like heat, air pressure, humidity, voltage and their devices are in things such as: the international space station, the Louvre Museum in Paris, the Sistine Chapel, and Tomahawk missiles. They are used by the U.S. Army, the Navy and SpaceX. These products are sold to over 100 companies. The reason why Mr. Carlson, you know about the notice issue regarding the ZBA special exception, he got the notice the day of the hearing and the reason why he couldn't make it and had to send his son is he was in Japan talking to a customer.

All this is taking place at 6 Warner Road in Warner. The company began in 1996 in his garage and now it's a NH success story. They have about 59 employees, they're good jobs, tech jobs with benefits, health insurance, 401K and they need to expand. He wants to hire 20-30 employees and he just got a really big order and they have a need to expand. He has drawn out plans to build an addition on his current building which is going to be 2 stories, old brick with arched windows. The project is on hold because of this. What I think you'll hear from some of the people tonight and the reason why what I just said is relevant to this is his ability to attract and retain employees is crucial. This issue is, I've got things to mention and I'm very concerned about this project and the people at his business are very concerned about this. I suspect you'll probably hear from some of those people tonight.

For the record MadgeTech and the LLC oppose this application. We are not anti-gun and I don't want this to get into this issue. You alluded to that Mr. Chairman about the emotions on either side and that's not the case at all. This is not the proper location for this type of use, it's being shoe horned into this very narrow lot and it's inappropriate.

I'd also like to point out that at the ZBA hearing, the applicant characterized MadgeTech when he was talking to the ZBA about this as an industrial operation. Industrial sort of has that feeling that they have machines. No, that's not what that is at all they are highly technical people and yes, they make things but they also design and ship things as well.

One of the things that also wasn't mentioned is the fact that Lot 34 also has a house on it. The house is located less than 300' from the lot line and 318' from the proposed building. The people who live there, Sarah and Justin are here. Sarah was here at the last meeting with their two young children. The first thing on the handout I gave you was distances. We paid a surveyor...

(At this point two handouts from Paul Alfano were handed out to board members.)

Paul Alfano: The first argument is a (recording not clear) by Richard Bartlett and Associates, licensed land surveyors. As I pointed out the writing is a little small (recording not clear). Down in the bottom you see the residence, that's 318' from the building. In the Zoning Board hearing, the applicant represented to the board that the only residential abutter was over 600' away. That's not true, there's a house 300' away from this property. What I'm wondering, and you're going to hear this from me that this pattern repeats itself, was

that out of ignorance, was it out of carelessness or was it intentional? I don't know but they're all bad, particular for this type of a use.

I'd also like to point out this board in fact made a decision at the last meeting that there's no regional impact and I'd ask the board to reconsider that. One of the main reasons, John Dabuliewicz was here and he asked what's the distance to the Hopkinton town line. The answer was a mile using I think it was Google Earth. You know what the actual distance is by a licensed land surveyor? .4, less than .4 miles, 1900 feet to the Hopkinton town line. Again, I ask you was that intentional, careless, ignorance? They're all bad.

Another issue I'd like to mention, now that we know how close this property is to the abutting house; what about people transporting guns in and out of the building? You know they're going to be novices. That wasn't addressed. The other thing I wanted to stress about the distance from this proposed use and the house are the children. I think it was Norm who said to me, it's one thing that the house is 318'; you're not going to tell the children to stay 318' feet away. I don't think there's any fence and it's their yard. The children will be right up to the property line which by the way is the minimum setback of 25'. This is a very dangerous location for this and I'd be freaked out if I was the parents of those children.

Something else I want to mention which is also in the handout you have. RSA 644:13. A rhetorical question, was it included in the material? I suspect it wasn't as I haven't seen any reference at all. What this statute says is that a person cannot discharge a firearm within 300' of a commercial building without the consent of the Board of Selectmen or the Chief of Police. It says any person can't discharge a firearm. Now we have in the zoning case an issue about what a person means whether it's the state or not. You have to read it in context. Here we're talking about discharging a firearm. What I'm wondering about is how on earth is the Board of Selectmen or the Chief of Police going to approve every single person who is going into that business to fire a gun. My question is whether it was ever considered, I suspect it wasn't. I'm telling you about it. I shouldn't be informing the applicant about these laws.

Let me give you another one. RSA 159:B. What this statute says is if you have a legally operating firing range people cannot complain about the noise, it's not a nuisance. So the upshot here is once this is build and it's assumable compliant, nobody can complain about the noise even if they introduce higher powered and louder weapons. It's a very sweeping statute and I thought the board would like to know about that. The effect of that is you're taking away the rights of the citizens who live in the area to complain about the noise. Was it included in your package? I suspect it wasn't.

Something else I'd like to turn your attention to is also in your package, what this next document is I call it an archeological description. Attached as I labeled it number 4 is an 8 page document. When this property was being sold by the state it went through an internal review. The counsel on resource and development responded and made this note which is on page 8 of those materials: *This area is considered archeologically sensitive. Surveys should be required prior to any ground disturbing activities, whether sale or easement.* You have a full memo here and the applicant is now on notice of that description.

Noise; from the ZBA I understand that a pistol is about 140 decibels and rifles up to 180 and the only noise report I've seen is this one that was provided tonight. We hired a gentleman by the name of Eric Thalheimer. He only had time to give us a little bit of information that I did not copy but I'd like to mention some things. It also connects with a memo I have from a lawyer in my office who shoots outside, is familiar with guns and I asked her to put this together. I provided this information as well but my understanding with noise that the research has done, you don't get it down to 0. The sound doesn't go away as is being represented. What happens when the door is open, what about the roof, what about the duct work? This is a fresh air system, how can sound not go through those things. I worked with Mr. Thalheimer on another gun range in Mt. Vernon. Very few people have his expertise and he said the 6-8" concrete walls can reduce

your decibels down however shooting noise will escape through the roof as well which typically only provides 30-40 decibels of reduction. What I have heard about is R50 insulation. I thought that the R rating was a heat rating, not a noise rating. The other important thing he says is this, it's not just the decibels it's the nature of the sound. As humans respond to changes in noise levels, an impulsive noise level such as a gunshot will be perceptible to most people even if it is no louder than the background noise. It catches people's attention. It's not like the highway, those are two different things. By its nature it's a different type of sound. What happens if all 16 guns are being fired at the same time? That wasn't even addressed. We're assuming its one firearms decibels but what if they're all being fired at the same time. Again, it's not addressed and I would put all of this in the category that I don't think this is a complete application. I would ask the board to revisit that decision and request some special reports. Get a survey of actual distances to the town line, actual information.

The context I want to put this in is I don't believe there is another gun range in town, I suspect this might be the first one you've had and from my understanding the first gun range to be operated by the applicant. So to me looking from a distance, everybody's kind of new at this and I'm finding these statutes and if this was an experienced applicant this stuff would have been given to me. I shouldn't have to do this; to me this is elementary stuff.

Talking about the lead and the air and water, I have a lot of materials that I didn't give you but lead is about as bad as it gets. Some of the dangers are listed in item 5, the memo that Liz Nolin did for me and the dangers of lead are coma and all sorts of other things up to death. The water issue here, I'm not really convinced by this. I know that on MadgeTech property when it rains at the front big puddles form. I'd also like to point out that, the every last document is, we went and hired Stonehill Environmental to give us guidance on the environmental issues. Tim Stone said *Groundwater in the vicinity of the Site is interpreted to flow to north....* What I really want to point out *Control of dust and air emission requires extraordinary attention to protocols.... Since the proposed firing range will be on a septic system, the potential exists for lead to be discharged the system through floor drains, sinks, and the washing of contaminated material, potentially contaminating groundwater via discharges from the leach field. Several groundwater supply wells are within 1000 feet of the proposed firing range.... These wells are located downgradient of the Site with respect to the interpreted groundwater flow. Based on my review of the Site Application dated March 17, 2017, the Site Plan dated March 3, 2017, and the application for Special Exception..... these documents do not contain the detail necessary to demonstrate the proposed development will address the environmental concerns outlined in this letter.*

I did take a look at the applicants lead reclamation paperwork. I noticed that one of them was a 1997 letter and another was 1998. It seems awful old.

On the regional impact issue, I mentioned I would like to make a formal request that you reconsider that and let others weigh in on that. Now that you know its only .4 miles away I hope that would give you a different perspective. You were given the wrong information, you relied on that information and it was way off. I'd also like to ask, I think you have the power to suspend this matter until the Zoning issue is resolved. You know the notice issue is the same one we had here, we noticed it was wrong and we moved on. For some reason the Zoning Board of Adjustment didn't do that and I think it's really a mistake to proceed with this. So I would urge you that the application is not complete and require some of these special reports that I mentioned. If you don't that, I would ask you to deny the application and there are many reasons for that. It's failed to show that it's a safe and attractive development guarding against conditions that are dangerous or injury, health safety, prosperity by reason of flooding. I mentioned the water issue, inadequate protection for the quality of groundwater is what our engineer said. Undesirable and preventable elements of pollution such as noise and other particulates and any other discharges into the environment and into these peoples wells.

When I was listening to this, I would ask you this, it's like the perfect description. You can't hear a thing outside; they'll be no lead contaminant. You need more than just these statements and I think you now know you can't rely on these statements. I'm trying not to be personal with that but I've outlined somethings that were flat out wrong and were given to you for the purpose of you relying on them and to help you make a decision on this application. **1:33**

Chairman Frost: If I may summarize. You're asking the board to have special studies done on acoustical impact, noise, environmental impact and you're asking the board for it to reconsider its development of regional impact decision.

Paul Alfano: Yes, the environmental is the water and the air. If you're taking notes Mr. Chairman don't forget RSA 644:13. I personally think this is dead on arrival because of that and no one's discussed that. So I urge you to take a look at that. I don't see how you can approve each one who is going to fire a gun.

Norm Carlson – owner of abutting MadgeTech: I'm not against guns at all or a gun range, just not there. My company is 20 years old; I grew up in Warner just like most of you. I started the company in 1996 and some specific things I want the company to be. I wanted to manufacture the products from Warner. Now I have 60 employees from Warner and the surrounding area. Our products go all over the world and we have two devices I designed 13 years ago during the space station... (At this point an audience member asked Mr. Carlson to speak louder.) We have products that go all over the world doing things, we have parts built and designed by MadgeTech people from Warner.

This town has a phone museum, we celebrate phones but to my knowledge no phone was ever designed or manufactured in Warner. Everything that MadgeTech sells is designed and manufactured in Warner. Our sales are growing in Asia by 37%; our sales in (recording unintelligible) have grown by 22%. We make it here, who else is doing that? I want you to have your gun range, just not there. I appeal to the board to please get rid of it.

We support the town, all of our jobs, everyone has insurance, everyone has profit sharing, and everyone has a 401K plan. I do believe we're the largest employer of people here in Warner now. The jobs are good jobs; we have 12 degreed engineers I believe. They're not jobs where the light turns red and you flip the burger. You have to learn something to work here. We train people and send people to school; we bring people into new training. It's an incredible thing but I feel that if the town says builds this gun range I feel like I need to move and I don't want to. I feel that strongly about it. They cater to novices so people are going to get out of their cars with their guns and walk into the building. That scares a lot of people and we all hear about these accidents because accidents happen, nothing is fail safe.

Chairman Frost: We have received a lot of communications as well by email. I want to make sure we distribute those to the board to review.

(Copies of the communications were passed to the board.)

Chairman Frost: I'm not going to read these into the record but they are part of the public record so anyone is free to review them on their own. The board will go through all of these, although not tonight.

We did receive a communication from Neal Cass who is the town administrator for Hopkinton. The Board of Selectmen of Hopkinton was meeting on April 3 and I assume they're meeting again tonight. I understand there was some concern expressed about this proposed use and whether it is a development of regional impact under state statute and town ordinance and regulation. At that time, the Planning Board here decided

that it was not. We did subsequently receive a letter from Mr. Cass expressing the Hopkinton Board of Selectmen's desire that the Warner Planning Board consider whether this is a development of regional impact. They subsequently realized that we were doing that at pretty much the same time. I replied to Mr. Cass letting him know that in fact, the board had considered that and decided that it was not a development of regional impact pursuant to the statute and town ordinance and regulations.

At the same time, in that letter I expressed the Warner Planning Boards desire to hear from anyone who has an interest in this application. And that means folks from Warner and Hopkinton and other farther flung places if you have an interest in this application.

Eric Miller: May I say something Mr. Chairman? I was contacted by the Selectmen of Hopkinton today. For the second time I have offered to go down there and meet and present in front of their Select board. As this meeting is happening they are offering up that proposition and they may contact me. I have agreed to go down and hold a public meeting where any resident can ask any question they may have. I do not know the results of that but my understanding is it was going to be put forth to a vote.

Chairman Frost: Be that as it may, we are here tonight and this is a public hearing for the Warner Planning Board. The Hopkinton Select board is free to do as it wishes with that regard.

General Public Testimony (1:42)

Renee Adams – 691 Kearsarge or Old Warner Road: We are right up the street from the site and I'm speaking to regional impact. We'd like you to picture the road we're talking about. We've been there 27 years and in that 27 years the road hasn't changed. It is a place of actual recreation for our town. It is the road, and there is a circling that goes around town partly in Warner and partly in Contoocook/Hopkinton, for 27 years the field running teams from Hopkinton High School have used our road. This is a road that has no shoulders and it has cars coming up and coming down with very little space on either side. The team runs most evenings during the week and the other recreation that is just growing is bicycling. Families bicycling with their children every weekend and most days. There are a lot of people in both towns who are getting into racing and we've seen that increase. There aren't a lot of places in town that don't have very continuing steep hills. That particular circle allows you to get some hill and some flat land. It's good for the running team and Hopkinton High School is on this road. The kids are on that road all the time. When we heard about the business, and we're not anti-gun, it has to do with it's a business the size it is and it's a retail business. Even though it's commercial down there and light industrial it's mostly a residential road. The businesses that are on it aren't retail that people are in and out. I wasn't even picturing there would be 200 people a day coming up and down. They're not going to know what kind of road it is. They're going to come off the highway or from Hillsborough, from every direction. Our kids, our biking families and the kids running for school in the evenings so the safety issue is the regional impact. I really worry about traffic and safety on that road and don't feel it's the type of business because of the traffic it will bring in. It's going to be constant traffic and lots of it.

Sarah Dustin – Dustin Road: I live approximately 3-4 miles from the site. What I'm thinking about is my daughter when she was in high school. This site is 3 miles from Hopkinton High School and when my daughter was on the cross country ski team they trained all fall by running up this road and turning around to make a loop and run back. All the sports teams train the same way. These kids are coming out at 3 in the afternoon for training. As the season deepens some of it is after dark. I'm not sure when the business will start in the evening. The second thing that bothers me is the equipment that you're going to install to clean the lead out of the air and out of the water. Right now it's a new business with new systems that work well but I worry about 25 years from now when the equipment starts to get old. Maybe the business will not be so profitable that you can afford to do a really good job replacing them so you start possibly putting lead

into the air where all these young athletes and the neighbors will breathe it and maybe release lead to the water table too. You're on the up slope from Pleasant Lake where there is a lot of swimming and boating. I would ask this board for a big bond against the deterioration of the system as a requirement because you need to make sure there's money there to fix things when they start going wrong.

Trish Mitchell – Warner: The owner from Dragonfly did a nice job with his presentation. I really support our (inaudible) before I support a new business coming in. What I wanted to ask Norm, are there any issues with vibration on your technical equipment. I would like to know that. Would there be any impacts from vibration or from dust or from air quality that would impact Norm's technical equipment.

Norm Carlson – Owner of abutting MadgeTech: I don't know. I suspect not as we have a machine shop and those machines are running all the time.

Diane Ricciardelli – Kearsarge Mountain Road Warner: When I first heard about this I immediately tried to see how much information I could find about a gun range. The two things that struck me and that are personal, the first thing is the home values in a town go down up to 4% if there is a gun range in town. That concerns me because I'm a home owner. The second thing was the lead cleanup over time. It's every expensive and they don't know that it can be fully done without costing the town a lot of money.

Faith Minton – Warner: I want to talk about Warner's Masterplan. I took this from our website today. *The appropriate commercial and industrial development in the area of Exits 7 and 9 to be there as a gateway to town and to offer significant employment opportunities for Warner residents.* I think that's something to take into consideration. This would be a gateway coming off of Exit 7. Is this what the community would like to see in our town? This is something worked on for the Masterplan. One of our economic development goals is to support the existing business community and to encourage economic growth serving local needs that fit esthetically with the town historic architecture. I think we need to take into consideration as the Masterplan says what businesses are here now, the existing business community before we accept a new business into our community. I personally don't think this is the type of business, a gun range, that the community would like. That's one thing our board needs to strongly consider.

Robert Pearce – Hopkinton: I will ask you to reconsider the regional impact. I also like to mention I noticed there was discussion here in this presentation about how to handle the lead. I realize that they will put 5 gallon buckets of lead in the attic and consider if that's proper or not. He also mentioned there is a certain amount of unexploded gun powder that has to be properly handled and contained. 200 people a day firing guns, there could be a significant amount of that and I think you need to look into how that's going to be handled. I think that the Hopkinton Fire Department should be involved in some of these considerations. You mentioned we needed some information from public services like that and I believe the position of this in proximity to Hopkinton means that those groups will also be impacted and involved.

Dan Hamilton – Poverty Plains Road: To the traffic, with Milton Cat not being there I think there was more traffic and big rig and risk to the people when that was there as opposed to the business that could possibly come in. And as opposed to being freaked out about novices carrying guns in, not that I'm for or against guns it's everyone's second amendment right to have a gun so anyone in this room could have one on their hip. They are most likely responsible.

Susan Hemingway – Warner: Ms. Hemingway explained she is coming from a different perspective and that she would read the following email she had sent to the Land Use Office:

I sent this before, but realized I didn't include my name.

Thanks, Sue

Warner Planning Board

Meeting Minutes 4/17/17 Approved by Warner Planning Board 5/1/17

April 12, 2017

Re: proposed gun shop

I acknowledge that the gun issue can be polarizing and so addressing concerns is a challenge. Personally, I don't have strong feelings about gun ownership except that individuals be very well trained, responsible and respectful, and their safety and that of others is paramount.

My concern is related to access to firearms for people who are suffering emotionally. In my work as a mental health provider there is protocol that includes assessing for safety; asking about access to weapons, including firearms.

When we think about guns we might think of crimes, mainly homicide. In reality there is staggering data that shows that there are almost 10 suicides by firearms in NH to every 1 homicide. Suicide by guns is most prevalent in young males. It is one of the most lethal means and use by someone who is despondent, angry, impulsive is almost always fatal.

In 2009, on 3 separate occasions, 3 individuals unrelated to each other, went to a well known gun shop in Hooksett NH, purchased a gun, and within hours each used the gun to kill themselves.

After these tragedies Ralph Demicco of Riley's Gun Shop joined a diverse group of individuals on the NH Firearm Safety Coalition . While its members may have vastly different views on the gun issue, they were unified in being anti-suicide.

The group developed the Gun Shop Project which has been featured on CNN, and in print, and to date approx half of NH gun shops display materials about the red flags of potentially suicidal behaviors, offering to hold guns belonging to someone who is struggling, not loaning them, and reassurance to gun shop owners that they do not have to sell to everyone who wants a gun. They can make a subjective decision based on red flags and their "gut".

I am personally not in favor of a gun shop and shooting range in Warner, for several reasons. There is a high school down the street, and a recreational rail trail and several residences nearby. I also don't think it is the kind of business that will add value to Warner.

However, If this business, is approved by the planning board I advocate that the owner actively participate in the Gun Shop Project at the very least as part of a public health and safety commitment to the community.

For more info

www.theconnectprogram.org/firearms-safety-coalitions-role-nh-suicide-prevention

Susan Hemingway

Warner, NH

Sent from my iPad

Steve Adams – Old Warner Road/Kearsarge Hopkinton: A follow on to what Renee said earlier in terms of traffic. She talked about the runners, athletes but there are a lot of folks out there walking and running, children walking their dogs up and down that road. Milton/Cat didn't come up Kearsarge. That was primarily on Rte. 103 where there is a shoulder and that's the difference between activities on this road versus the public roads. The lanes are small, the road is not always the best maintained, so the activity of the bicyclists, the runners, the walkers are all at risk. I think the people who live nearby who use that road now are familiar with the kinds of activities that occur on that road and they take a little bit of care as opposed to folks outside of the area and adding that mix to the road. With the other speakers, the gentleman from Hopkinton, the Hopkinton fire department is in real close proximity. They may work out with Warner, if

they are going to be the backup for Warner but at the same time they are in extreme close proximity to this activity. I would ask that the board also reexamine the regional impact and reconsider that.

Terry Monahan - Main Street: I understand what everybody is saying my problem with everything going on as far as shutting down places to shoot outside, I think this is good environmental stewardship to have something like this for all the lead and the recycling involved. Otherwise they just end up outside.

Nancy Ladd – Warner: I have several thoughts. The storage of 5 gallon buckets of lead in the attic that is 10' tall, I don't know how many buckets tall but the building must be very strong. I wonder what happens to that lead if there's a fire. On the flipside I understand what Terry Monahan just said. I have property in Warner that many people use for shooting practice sometimes with permission, other times I have conversations that a third party will come through and say, you should ask Nancy if you can shoot on her property and they will say they already did. So I hear about that. So there's lead on my property. I can't talk much about the lead part, the property is big and there's a brook going through the middle. My husband's family has traditionally had guns, my son has inherited that. He no longer lives in Warner so he's having a really hard time finding a place particularly for rifle practice. People with gravel pits no longer want people shooting there probably because of the lead. He found a firing range in Manchester for pistols but there's no rifle range near where he lives so he would be very happy with a gun range. I'm not real comfortable around guns and not real happy with them but I believe in learning the safety of them so one knows how to handle them safely. I'm concerned about the lead and what happens down the road but I feel as though people who would go to that range are people who are already thinking about safety even if they're novices. They're going to keep that gun out of the way until they get inside the building. My son knows more about safety and the history of guns even though he's only 27. I do think people are going to these ranges to use guns safely and I don't think they're going to have the guns out in the parking lot for privacy and security reasons. I understand the attorney pointed out the statute and how many feet from the house the building would be but I'm sure that was not designed or intended for indoor shooting.

Alice Chamberlain – Warner: I have a few questions. First I just want to speak to our Hopkinton neighbors, I share their concern that we didn't notice them on regional impact and I want to make sure somebody from Warner raises that issue as well. I have some questions I would like the Chair to direct to the applicant the first one is: Does the application intend now or in the future to create any facility that would sell alcoholic on the site. This is a rumor that has been circulating in town and I think we're entitled to clarification about that. The second one is I don't think we've had a full description of the guns that are going to be available for sale, for rent and that you can bring in with permission to shoot. I think the board should know that because that's going to give them a better understanding of the potential decibels. The abutter's attorney pointed out the statute on noise and once this board approves this facility it's an open door the ascension of the noise decibels from my interpretation of that statute so I think you have a tremendous responsibility to get that right if you approve and move this facility forward. I would like to know if the applicant plans to apply for signage on Route 89 from the state in terms of advertising. Finally, I would ask the board to consider how we're going to have the resources and the expertise to monitor pollution and noise and activity on the site. All of these seem like a drain of resources on the town. I know that there are federal laws that the applicant has referred to that governor the lead pollution but if you read about the resources of the EPA they're practically worse than the resources in Warner so I don't think we should be relying on outside regulations for the safety of the future of our community. Finally, I would add that this hearing based on all the testimony you've heard that the board deny the application or if you're not inclined to that you continue the proceedings until the ZBA has a chance to reconsider their defective notice on this.

Matt Boyer – Warner: I'd like to point out a couple of things. There are 2 outside shooting ranges in this area, one is in Dunbarton called Pioneer Shooting, the other one is Sunset Country Club in Canterbury. I encourage you to go visit both those gun ranges. Also there is Belmont Firing Range which is an indoor range such as this gentleman is proposing. It is sandwiched in between Linex of Belmont which does bed

liners. They are within 10' of that business, also a dance studio which is on the other side. Being too close to businesses and being safe is a farce.

Dennis Hinman – Waldron Hill Road Warner: I've used many facilities, both government and privately owned. I think it would be a very quiet neighbor and I think the public as good stewardship has an obligation to educate the population. Does anybody know how many background checks were done last year in New Hampshire alone? 60,000. I see a lot of people with concealed carry permits and I'm quite sure they're not familiar with how to run their weapon. He's offering a facility to do that and I think it would be good practice to look at The Firing Line or Sig Sauer or any of those facilities that are quiet. The only thing you hear at Sig Sauer is the outside shooter, the inside ranges are exceptionally quiet. Shooting within 300' of a building, I don't believe like Nancy said it was in a contained environment. He has better acoustics than any of the buildings I've fired in.

Sarah Dustin – Contoocook: I agree that the board should reconsider whether this proposal has regional impact. Given the .4 of a mile from the town line, the proximity to the high school and the fact that people will go to Contoocook from this facility. There is no question that this is closer to Contoocook town center and our public facilities than it is Warner. I don't see how this can't get regional impact as its 100% closer.

Nancy Martin – Warner: I've lived in Warner for 44 years. I'd like to speak on behalf of Norm's business. I think I heard that he has additional work coming and plans to expand. I can't think of a better business to expand in Warner. It provides lots of good well-paying jobs that provide benefits and pensions and 401Ks. I would rather see Norm's business expand than encourage a business that's new and has no proven track record.

Lois Shea – Warner: I'm a parent of a college age student who I hope will come back to Warner and make her life and a living here. So I would like to encourage businesses that provide the next generation with a living wage so that they can stay here in town and become a part of our community. The gentleman with the gun range said he will provide 6 jobs and I want to know if they are full time.

Lisa Thompson – Concord: With respect to background checks, when you rent a gun there is no background check, it's illegal. I don't think they ask for your license, or can they? The other issue is with respect to relying on OSHA or the EPA or the Department of Energy for your compliance. That is a joke because they are understaffed and under resourced. I think that average they come around less than once every 5 years. So that is something the board should consider with respect to how to maintain compliance. Maybe the board needs to consider what they will do with respect to that.

Jennifer Blagriff – 716 Hopkinton Road Hopkinton: My home is fairly far from the facility but I would also like you guys to reconsider the regional impact. I have 3 small children that will be going to Hopkinton High School at some point. The high school is a middle high school and you have very young children running. I'm not anti-gun, my husband owns guns, his uncle owns a shooting range. I think shooting ranges and all the education they provide is very valuable I just don't think that this is the right spot for it. I ran in high school and that is the first thing I said to my husband. Kids in high school are running 7-10 miles and there's no way they're not going to be running by this facility. If they are curious, high schoolers brains are not fully developed, there is tons of research on that. They could easily walk to the gun range, go in; maybe get denied shooting because they're not 18. It might be a fun thing, go with their friend. I do think it has a significant regional impact because of the proximity to the Hopkinton Middle School and I think that is a very important point. I thought the information about MadgeTech was all very interesting and I think those points should be strongly considered by the board. The decrease in home value, I hadn't thought of that but there are many Hopkinton houses near there. Is their home value going to decrease? I think studies should be done on that. That would definitely be a regional impact. And then I also, thinking about Warner, what

kind of businesses could go there. A business that's only bringing 6 jobs in, that doesn't seem like a great business to bring to Warner. I would love to see better jobs in Warner/Hopkinton everything. You want full time employees at these jobs; you want people getting a good income. And the mental health, I thought the mental health counselor spoke great to that point. Another thing to bring up is there is not enough research on guns and mental health because it's not allowed by the government. So we don't really know what really happens in these gun ranges and all of that. And there's no way for us to find that out except for the numbers. What is the marketing going to be? If semi-automatic weapons are allowed here and automatic weapons are allowed I picture for fun college kids in Boston driving up here on the weekends and evening to have a fun party. I also think of bachelor parties, guys going to shoot guns for fun. There are tons of colleges in Boston with guys wanting to shoot automatic and semi-automatic weapons. I don't see this as a business that's going to help with safety and all of that. I know there's lots of people that want these places in New Hampshire to shoot and that's great but I just don't think this is the location for it and I think the marketing is most likely going to be directed at people traveling to New Hampshire, not our local community.

Kaitlyn Ryan – Warner How long has this property been available for commercial use?

Chairman Frost: To answer your question, the property is for sale right now and it was owned by the state up until 2016. (At this point Eric Miller stated June of last year.)

Mike Biagiotti – Warner: I'm all for smart growth for Warner for the right assets and I do think this would be an asset. We're hearing about some worst case scenarios and I think we can always use that argument that squashes an entrepreneur with a good idea. I've been to indoor ranges and I want to make sure we're understanding the responsible gun owners which live in Warner and Hopkinton. This would be an asset for that sizeable population. I want to make sure we don't let the extremes of crazy things that could happen throw off a level playing field of a responsible gun owner.

Bill Peterson – Weare: I'm speaking in favor of the range. Ranges that have been well constructed and well run like this one have served their communities. The fastest growing market segment right now is the woman shooter and they cater to woman shooters, have female instructors, and do corporate retreats and competitive shooting programs that are well accepted in those communities. Addressing the EPA and the OSHA concerns, there is a corporation in Londonderry, New Hampshire that shoots nearly a million rounds a year on their range. It's not a commercial but for military operations for testing the products they make. They've been in operation for 10 years and have had no problems, they use a HEPA vac, HEPA filters and have a filtration system and they recycle everything.

Janet Lord – Hopkinton: As so many other speakers have said I have no objection to a well-constructed shooting range, it makes sense for safety purposes. I think the regional impact issue, from Hopkinton I can't help but see the impact this facility is going to have on my community. It was noted that there is a 4% decrease in real estate values. No matter how well constructed the shooting range is, there are folks and businesses who don't want to be near a shooting range. We're talking about athletes running on that road, traffic coming in and out. The impact on that road and that location is clear. I do hope the Planning Board will consult with the Hopkinton Selectmen on this issue. There is nothing the matter with a well-constructed shooting range. We're talking about the location of that business. I think the Planning Board should reconsider that. It doesn't make sense for a community who wants to increase their tax base to drive out a successful well run business offering excellent jobs to accommodate something that isn't essential and something that is in a location that is so inappropriate.

Terry Monahan - Main Street: A point was brought up about bringing in people from out of state. I think that's what we strive to do, whether it be for hunting, fishing or whatever you have people coming in who

are going to be spending some money. I understand about Hopkinton and their Middle High School but how safe is it to have those students running in the road anywhere, I'm thinking build a track. That's one point of view. If you talk to the Hopkinton Board that might be something they want to look into.

Norm Carlson - Owner of abutting MadgeTech: MadgeTech has consistently grown 10-20% since 1996. We're adding over 20 jobs in the next two years. He's going to add 6 part time jobs, maybe they'll get insurance and maybe they won't. The other thing about MadgeTech is we have a, that area we use for sports at lunchtime and the company cooks lunches on Fridays. A gun range just doesn't go, MadgeTech is a Warner icon, there is no company that exists like it, it's for this town. I want to support this town, I have nothing to gain or lose by it.

Ron Bryson – Warner: I also work at MadgeTech. I have a strong feeling that this will negatively impact my job. I live a mile away from this place. If I was to have a gun range a mile from my backyard, granted I want guns, I think they're great, I shoot, I hunt but having this gun range right here in my backyard, in their backyard, my place of business, I just think it's going to negatively impact what we can do for Warner. Not to mention, it's right at Exit 7. A gun range right off the highway, is that a good thing for Warner? You're going to see it from the highway. Do we want that advertised to come to Warner where we could have it in another location off the highway, off the beaten pathway where we know it's there but not directly in site of any psycho who wants to get off the highway and shoot guns. Who's going to stop these people inside the gun range to come out and if we have to have a police officer go down there in a hurry are your people going to be able to address the situation if it happens. It probably would never happen but there is a chance, there are a lot of psychos in the world.

Paul Violette – Warner: I have lived in Warner 34 years and I'm a hunter, have been to a lot of ranges and belong to about 3 Fish and Game clubs. The part about it is we have a C-1 District and I served twice on the Planning Board for a long period of time. I can see what people are saying about this and all the angles. But where else are you going to put a range? You talk about putting it where nobody can see it; you can't do that in this town because we have zoning. It's zoned commercial. Exit 9 is not good and by the way I didn't see a regional impact study when the liquor store went there. There are probably more people who get killed by alcohol than by anything else. I understand Norm and I understand where he comes from but if this meets the criteria of what the zoning is supposed to do... if we turn this down what's next? What could we use that commercial land for? I have a problem with that, with restricting it.

Laura Marron – Contoocook: I'm a parent of a student athlete at Hopkinton High School. We don't have a track which is one reason they go out to run. It's uncomfortably close to the school to me as a parent. It's also the other pedestrians that are out and the heavy traffic. I appreciate the thoughtful plan and the environmental considerations but it's the wrong place.

Susan Colvert – Contoocook: We feel like there is regional impact or we would not be here tonight. Our town center is so much closer to this and our schools. It's going to be our property values as well that will plummet. It's our kids running on the roads that we're worried about. If there's a regional impact and I think that the board doesn't believe there is, they should look again.

Matthew Boyer – Warner: They keep speaking about the regional impact. We also have the regional impact of the Hopkinton State Fair each and every fall that brings thousands of people. I'd like to state that Norm talks about bringing jobs into the town. He had every opportunity to buy that piece of property and he did not.

Alice Chamberlain – Warner: I want to address the issue of regional impact and I see how difficult it is given our zoning. But it's a perfect example of a commercial zoned area on the border of another town, why

the regional impact legislation was created to accommodate that mixing of zones. You do have residential zones near it and so I urge you to give regional impact notice.

Paul Alfano, Attorney – Concord: Norm did try to buy the property and was unsuccessful. The other thing I'd like to mention is to me it's one thing I've heard as well, it's not so much anti-gun as the location. It's not a permitted use, it's by special exception and that's why we're fighting and that's why I think we're going to prevail in that ultimately. Personally, I live in Bow and when I saw this, to me the answer is, and this is what I'll say to the Zoning Board of Adjustment if we have our rehearing, I think the answer is not to do this on an ad hoc basis. I think the town should amend the zoning ordinance and air out all these issues to find out where in town this should go. You could keep MadgeTech; you could have this business as well. That's an outsider saying I think that's what the solution is because the issues is you really should amend the zoning ordinance. The other thing I wanted to mention with respect to environmental issues is, you've heard about the applicant relying on the EPA for monitoring. MadgeTech is audited all the time, some of it is the vendor that requires auditing as much as 4 times a year to make sure the equipment they're making complies to all their specs. I just urge you to consider something like that instead of just relying on the federal government, something a little more proactive and systematic.

Ron Bryson – Warner: I run the machine shop at MadgeTech and DES comes in once or twice a year to do a spot inspection. Our NH Department of Environmental Services is a lot better than federal regulations and they're more stringent. Just keep that in mind not to mention the calibration chambers that we use that calibrate a lot of our devices will be sucking in some of this fresh air.

Steve Adams – Kearsarge Ave Contoocook: On the regional impact, the state fair has been there for 100 years and I'm sure nobody talked about regional impact when that came in. The fair runs through 3 days, has about a week or maybe 10 days with people coming and going and everybody who lives in the area doesn't run or walk too much on the road at that time so that's how that's addressed. What we're talking about is something that is retail operation that is here year round.

Mike McManus – formerly from Contoocook, now Sutton: I co-own property in Davisville. Regional impact, I'm for the gun range. When we listen to everybody talk about the impact, this range is typically open on Wednesday, Thursday, Friday, Saturday. Schools open, we're all concerned about schools and I grew up, I've been on that road for 57 years. Schools open, closes at say 4:30, it gets dark in the fall, winter comes they're off the road. 25 cars a day, 50-100 people a day, ¾ of them are coming off the highway, if they're there at night when most of the people are there no one is on the street. I think there's a lot of people in here that are concerned about this lead, as other people have said this whole thing is regulated. It's taken care of by the HEPA filters and the whole thing. People that are concerned go to another range and check it out. They're not killers where everybody is on their pins and needles about this. They need to go check things out and understand where this is all coming from. I believe a shooting range in the town of Warner, I own property less than ½ a mile from that location and I'd sign up and go there. I wouldn't worry that it's going to impact. The way people are talking they think there are bullets aren't going to go flying out of the place. I understand but I also understand the place is built right.

Beverley Howe – Warner: As of today, who actually owns that piece of land?

Chairman Frost: The owner is Richard M. George who lives in Webster and purchased the property from the state.

Justin Carrol – 20 Old Warner Lane 300' behind gun range property: I have two daughters who are both 5 and pretty crazy and sporadic. Concerned about being that close to a gun store, I also have two dogs that like to run away sometimes. They're very friendly but my concern is that they run towards someone with a

firearm and are they going to use that to protect themselves. Also, I know that bullets are going to go through the walls but someone mentioned if there was a fire. If there is a fire 300' from my house that is packed with ammunition and lead in the attic, what happens to that? That causes an explosion correct? An explosion 300' from my house, if I wasn't home I would come home to either dead animals or if I was home, maybe my children. I do shoot, I do like going to the gun range but I'm not comfortable with it being a rocks throw away from my house.

Peter Anderson asked Mr. Carrol where again he was located and he explained it is the house on the MadgeTech property and that there is no fence so his dogs can get out.

Peter Anderson: You have 200 tractors around you.

Liz Durant - 813 Dolly Road: I'm a member of the Hopkinton School Board. I want to put on record that I was here and as a parent and a member of the Hopkinton School Board I have concerns of, both Warner and Hopkinton residents and Contoocook residents as well. Some of those concerns I had myself and one of the things I don't think has been raised is relative to location of this business in relation to more populated areas including that of the High School and of other residents. I understand the Planning Board has a lot of things to consider. The one thing that has not been brought up tonight is the accessibility of a business like this to high school students. If people going into the range need to be 18, that means the majority of our seniors in high school turn 18 starting in August. As they are going through their senior year, it creates an accessibility point for those high school seniors. I agree with the training issue, I'm a member of a family that has been shooting for many years. It's not anything against the business itself. I think the accessibility to our students at that age as well as the Kearsarge students from Warner, Sutton and other areas is something that this Planning Board needs to consider relative to where it's located.

Ron Bryson – Warner: We are in the process of extending the Rail Trail and a lot of that trail is going to go through between MadgeTech and the previously owned state land and Knoxland to connect to Hopkinton and Tooky. What is the impact of that going to bring to us?

Clyde Carson - The trail is scheduled to go, what is the track of this trail?

Ron Bryson – Warner: We're going to run the old railroad bed heading through the Knoxlands backyard and use the (inaudible due to a cough on recording) and go up through there.

Darryl Parker – Warner: I'm on the Rail Trail committee and we've already spoken to the potential land owner about this and have plotted out a route.

Debbie Norris – Hopkinton: I'm a member of the Budget Committee for Hopkinton. I would like to say that on everyone's mind, taxes are foremost. We're all searching, all of the towns, for ways to bring those taxes down. I would like to say that we need to be responsible in how we go about bringing in and attracting business. I would caution both towns to please be careful, listen to the town people who are paying those taxes and be as responsible as possible.

James Gaffney: I was curious about the safety issues associated with indoor ranges and had a conversation with Jim McCloud, the gentleman that built Manchester Firing Range and owned it until recently. His statement to me was that over the 8 years that he owned it, they had almost a million people go through that range without a single incident.

Jennifer Blagriff – 716 Hopkinton Road Hopkinton: I would like to say first, do a lot of research, see if there are any shooting ranges in the country in close proximity to a high school. Find out if there have been

any incidents, I'm guessing not because I know there are few. I would like you guys to research that. I am not worried about bullets flying out of the building; I'm just worried if there are people coming up trying to do things with an automatic weapon. I'm not worried about NH people going in there. I'm worried about someone getting off the highway who is mentally unstable or a high school student who has just turned 18 and is not mentally stable who walks over to the shooting range.

Alice Chamberlain – Warner: Does the board have the capacity to require financial information from the applicant to know whether the applicant can meet the commitment made in terms of, for example, the lead contamination and other high level and expensive safety standards and the cost of insurance? How is the public going to be informed about the questions that were asked here tonight, particularly the issue of whether the applicant plans to expand into the lounge with alcohol?

Chairman Frost: Regarding your second question, we will ask that question directly. Regarding financial information, generally speaking the board does not have the capacity to inquire of that, it's not part of what the Planning Board does with very limited exceptions where we are specifically statutorily able to do so. We can, as some have suggested, in certain cases, require a bond for certain things. For example, removal of a cell tower that's no longer used. There is that capacity in the appropriate circumstances.

Chairman Frost asked the applicant about alcohol on the premises. Mr. Miller replied there will be no alcohol on the premises and that in 2018 he will look to come back to the Planning Board and is weighing two different options. One is a restaurant, along the terms of Panera Bread, the other is indoor skeet shooting and it would come down to economics. He will do a side by side comparison; it is a 2018 issue and is not part of the current application.

Kimberley Edelmann – Warner: I'm not speaking as a selectman; I'm speaking as a citizen. I am in favor of us getting an indoor gun range, in Warner. Maybe not this location but somewhere. There are so many of us who shoot guns outdoors and piss off our neighbors, scare the dogs, scare the horses and leave debris in the woods. We need an indoor solution. I know a lot of women who want to do training for personal safety and it is now legal for anybody to carry a gun unconcealed so people who are responsible do want to learn how to use their guns. I'm totally in support of it. I would recommend also the board do answer some of the questions regarding safety near school. Don't we have a Fish and Game Club right near an elementary school? (It was clarified there is one behind it.) In terms of answering the question about proximity to school, we have shooting clubs in town near a school.

Wendy Hamel – Warner: I have ten year old twins and I think it would be great to have a shooting range for people who want to shoot safely. I'm a little worried about people having access to guns. Fish and Game example isn't the best since that's a private property and they're not selling guns there. I can hear them shooting and it doesn't scare me and I taught my kids to stay away. My children will have access to guns, especially as they get older and being able to...someone said something about a liquor store. You don't go into a liquor store and buy a bottle of rum and shoot up. But you can go into a gun store and buy a gun and it worries me. I think an indoor range is great; buying a gun really scares me.

Ed Raymond – Warner Fire Chief: Just so you know there is a shooting range right behind the elementary school. They're restricted quite a bit on how many times they can use that just by pleasing the neighbors because a lot of them don't like it and I understand that. You're hearing more and more around the whole area, I hear more in my area the Schoodac area. There are 3 families that shoot constantly every weekend. I don't mind it, I'm a shooter but also Fish and Game Club even a small one, they put over 450 people through safety classes just last year. There are people more interesting in doing that and we don't have a place like this. It's going to get louder around here in more places. I would be in favor of this. It will add to our tax base.

Mike McManus – formerly from Contoocook, now Sutton: The regional impact, if the gun shop wasn't there and this may end up being more of a gun issue than anything from what I can see, if that gun shop wasn't there and I wanted to put an 18 lane bowling alley there what's the regional impact. Would I have the same group of people here about a bowling alley?

Jessica Chyman – Hopkinton: I want to speak to regional impact. I'd really like the board to reconsider its decision. This issue does impact Hopkinton in very fundamental ways. It impacts us with lead in the water and in the air. People talk about our schools near there. There will be increased traffic, there are students running on the road. It will affect our property values. You want to put in a bowling lane that is not going to have the same impact this will have. We're talking about a gun shop that's going to sell silencers. Who are we encouraging to drive by our high schools? I urge you to reconsider that.

Ron Bryson – Warner: Just think of the negative impact if MadgeTech leaves.

Lois Shea – Warner: I have a question, does the board have the authority to stipulate if they do choose to approve this that alcohol not be able to be served at this location at any time?

Chairman Frost: I would say yes.

Renee Adams – 691 Kearsarge or Old Warner Road: This is not about guns. And if it was an 18 lane bowling alley I'm showing up. I know it wasn't your point about safety but I heard that from many people.

Chairman Frost **closed the public hearing** at 10:07 p.m. He thanked the audience for an outstanding public hearing and stated he had a lot of concerns going into tonight that had been disproven.

Chairman Frost addressed the board, that there had been a number of people speaking to them about the DRI, Development of Regional Impact statute. He stated he thinks it is incumbent upon them to consider that tonight if they could and then continue the deliberations to a future meeting. He asked the board what their pleasure was with regard to Development of Regional Impact. He prefaced what it would mean if the board reconsiders its decision that the development does not have regional impact and instead concluded that it does.

Chairman Frost said what that would mean is that we would formally notice by certified mail, return receipt requested, the town of Hopkinton which would go to the Board of Selectmen or the Town Administrator and the Central New Hampshire Regional Planning Commission. Both would have the ability to provide input as if they were abutters. It would not give them standing to appeal.

James Gaffney suggested a proposal or motion to read the statute in question so that everyone understands it and consider coming back at the next meeting and discussing it further after everyone's had some time to look at it.

Chairman Frost noted the Statute is RSA 36:54-58 and read as follows:

36:54 Purpose

The purpose of this subdivision is to:

- I. Provide timely notice to potentially affected municipalities concerning proposed developments which are likely to have impacts beyond the boundaries of a single municipality.*
- II. Provide opportunities for the regional planning commission and the potentially affected municipalities to furnish timely input to the municipality having jurisdiction.*

III. Encourage the municipality having jurisdiction to consider the interests of other potentially affected municipalities.

36:55 Definition

In this subdivision "development of regional impact" means any proposal before a local land use board which in the determination of such local land use board could reasonably be expected to impact on a neighboring municipality, because of factors such as, but not limited to the following:

- I. Relative size or number of dwelling units as compared with existing stock.*
- II. Proximity to the borders of a neighboring community.*
- III. Transportation networks.*
- IV. Anticipated emissions such as light, noise, smoke, odors or particles.*
- V. Proximity to aquifers or surface waters which transcend municipal boundaries.*
- VI. Shared facilities such as schools and solid waste disposal facilities.*

Chairman Frost stated some of these are not relevant and some are and noted the rest is the review, who does it and the procedure that's involved. That is the basis for us to consider.

Barbara Annis said she feels the majority of the traffic coming into this facility will not use Kearsarge Street but will come up the interstate and Rte. 103, Rte. 127 and Rte. 103 or from the village of Hopkinton will take the interstate and Rte. 103, if from Warner Rte. 103. She doesn't see Kearsarge Street or Warner Road getting that much additional traffic.

Ken Millender noted when they original considered the regional impact they were thinking it was a mile or so to the town line and now have found out it's .4 which alone may be enough to sway people in a different direction.

Selectman's Representative Clyde Carson stated what impressed him tonight was the thought that this facility is going to be a lot closer to the downtown of Contoocook than the downtown of Warner. He said he thinks the people of Contoocook have said it's a concern for them in its proximity and in being good neighbors they owe it to the people living in that area to say this is close to your area and we'd like to give that consideration.

Don Hall said he feels we have a ways to go on this and believes it does have regional impact.

Chairman Frost said that given the clarified distance to the municipal boundary and the fairly overwhelming comments from folks in attendance, it leads him to conclude that we should find this is a development impact. That being said, he doesn't think they will necessarily get a whole lot more information but that remains to be seen and they have gotten a lot of information tonight that he is grateful for. He thinks there is little harm to be done by reversing their prior decision. He would entertain a motion to conclude that.

Barbara Annis made a MOTION to reverse the board's prior decision on regional impact, seconded by Ken Millender.

Barbara stated she would like to get a traffic count. James Gaffney said he sees both sides to this. By reconsidering our decision on this that also sets a precedent that every business that may go in at Exit 7 is one of regional impact. Chairman Frost said that is potentially true and may be the right decision. Clyde Carson noted if this was coming in close to the Warner border we would want the same consideration to which several board members agreed. There was no further discussion.

The board voted on the MOTION, a voice vote was taken with all in favor 7-0-0.

Chairman Frost said we would stop here tonight and continue to another meeting. Our next meeting is May 1st and he asked the applicant if he could be here for that meeting which he will be. Chairman Frost stated the deliberations on this application will be continued to our next regular meeting which is May 1st, Monday and it was decided it would be held upstairs after a show of hands in the audience as to who was planning on being in attendance on May 1st.

4. TRAFFIC COUNT

Barbara Annis noted this is due May 5th and should be addressed this evening. The board discussed the traffic count and Barbara stated she is meeting tomorrow morning with Tim Allen and Bill Chandler. Chairman Frost asked if anyone would want to join her in this effort, the purpose being to decide where they want traffic counts done this year.

Barbara said they divided the count into 3 sections and are ready to do 2 this year with the board's approval. She stated the correspondence from the state was mailed out on March 6th, the selectmen received it April 13th and it's due May 5th. Do we approve section B and there is also room to put on two more roads.

Peter Anderson asked Barbara if she is going to request that Route 89 be done and she named North Road, East Sutton Road, Kearsarge Mountain Road, Burnt Hill, Couchtown, Pumpkin Hill, Mason Hill, and Kearsarge Mountain Road north of the college. It was clarified that it is only town roads.

The board continued their discussion and that the state does the Route 89, that Pumpkin Hill is a quasi-owned road that the town plows and the count on Pumpkin Hill is being done up near the Salisbury town line. James noted that is a major shortcut. It was clarified the board can just go with the 8 already noted and that Tim Allen may have another count to be done. Barbara said the Safety Committee met and has met with the Board of Selectmen and you have to have a traffic study done with the section of Kearsarge Mountain Road that you want to do so therefore part of the traffic study is a traffic count. That would be up to Bill Chandler to do. The discussion continued on what was the lower section of Kearsarge Mountain Road and Peter Anderson said he would join Barbara at the meeting the next day.

Chairman Frost asked Barbara to attend the meeting and make a recommendation for the board for May 1st. It was confirmed with Clyde that the Board of Selectmen will not be meeting on May 2nd, will on May 9th and may meet earlier.

5. ADJOURN

Chairman Frost declared the meeting adjourned at 10:26 p.m.