



Warner Board of Selectmen

Meeting Minutes
Wednesday, May 6, 2015
APPROVED

Chairman Hartman opened the meeting at 4:00 pm.

In Attendance: David Hartman – Chairman/Selectman, Clyde Carson – Selectman, Allan N. Brown – Selectman, Jim Bingham – Town Administrator

Others present: Marianne Howlett, Mike Amaral, Dick Fisher

1. Tax Deeding

A. The Tax Collector provided an updated list of properties that would be due for tax deeding on May 8.

Board Action

Chairman Hartman moved to grant waivers for Map 7 Lot 13, Map 7 Lot 70-3, Map 19 Lot 9. Selectman Brown seconded the motion, motion passed 3-0.

Chairman Hartman moved to have the Tax Collector deed Map 12 Lot 36. Selectman Carson seconded the motion, motion passed 3-0.

B. Chairman Hartman concluded that the Board will not take action this year on Map 19 Lot 37 which has a \$100.74 balance.

2. Class VI Road – Gould Road – Skeet Shooting

A. Mike Amaral met with the Selectmen, he thanked them for sending letters to Chuck Rose and Dick Fisher regarding the use of a Class VI road and skeet shooting on property owned by Chuck Rose. Mike is respectfully asking the Board, to decline the offer from Dick Fisher to participate in a demo skeet shoot on Saturday, May 9. The Class VI section of Gould Rd. is closed to motorized vehicles until May 15th and he feels if the Board is participating in a demonstration shoot, they are, in a sense, sanctioning the unauthorized use of the Class VI road during the public closure; Mike does not feel it would be appropriate of Board. Mike also said typically recreational clay pigeon shooting is an activity where you would pay money at a gun range, he feels the Selectmen participating in a demo could be construed as accepting a gift from a private party, who, the Selectboard is in the process of deliberating an activity that is before the them. Mike said if the Board wants to visit the site, he strongly encourages the Board to walk into the site. Mike said if the Board does visit the site with Dick Fisher he hopes they will take advantage of the visit and ask questions about how the clay shooting on leased land is recreational with no commercial interest or is it tied into the breeding, selling and gun training of hunting dogs and therefore would be a commercial activity and should be considered for a special exception under R3 zoning and come before the Zoning Board of Adjustment.

B. Selectman Brown feels the Class VI road postings should be open ended, such as closed until further notice, instead of setting a date because it's hard to determine the length of a mud season when you are closing them. He said the Director of Public Works should look at the road and if it remains posted it's up to the Selectmen to enforce.

C. Chairman Hartman talked about working with Bound Tree ATV Club which uses some Class VI roads. They have done some trail maintenance, they keep the culverts open and they keep trees clear from the road, and they pick up litter. Mike said the difference is they are an organized club that has come before the Selectmen and created an agreement.

D. The Town Administrator said the Town does need to improve enforcement particularly the mud trucks because it compounds the issues the Town runs into with loggers. It goes back to getting the Police Department more focused during the closed period.

- E. In order for someone to use a Class VI road during the posted season they would need to obtain a Heavy Hauling Permit from the Director of Public Works.
- F. Mike said he has never come before the Selectmen and used the term shooting ordinance. He has never complained about his neighbors shooting because they do it very periodically and they usually consult with him if there is going to be a lot of activity. Mike said Dick Fisher has been going through Mike's neighborhood telling people that he is trying to take away Dick Fisher's second amendment gun rights and that Mike is proposing a shooting ordinance, Mike said this is simply not true.
- F. Dick Fisher said he spoke with the Director of Public Works, Tim Allen, this morning, who said there is no reason not to use the Class VI road. Dick said he has put \$39,000 worth of rock on the road and the Board is denying the use of the road, Dick feels this is bold of the Selectmen to do so. The Town Administrator said the Director of Public Works needs to look at the road, and, the issue at hand is Dick did all this work on the Class VI road without obtaining permission first by the Board of Selectmen. Permission needs to be obtained before any work is completed. Dick said he believes the owner of the property, Chuck Rose, went to the Town and was required to fix the road, Dick said all he is doing is maintaining it, he said he works for Chuck Rose. Chairman Hartman said Chuck Rose doesn't own the road. Dick said he went to the Road Agent in the winter who gave permission, he said he has always gone to the Road Agent for permission and now he is hearing he needs to gain permission from the Selectmen. Chairman Hartman said to Dick apparently he did not go to the Road Agent before today. Dick said he spoke with Matt Waite (then Director of Public Works) in the winter. Chairman Hartman said to Dick that he did not go to Matt and ask if he could ditch the road. Dick said he didn't think he needed to go back for permission every time he turned a leaf. Chairman Hartman said the only person that had permission to do anything on the road was Chuck Rose. The Town Administrator said to Dick the Town is asking him to go through the proper channels, permission from the Road Agent and the Board of Selectmen. In moving forward the Director of Public Works needs to either issue a Heavy Hauling permit or remove the signage on the Class VI road for the May 9 skeet shoot.
- G. The Town Administrator said he will contact the Director of Public Works tomorrow to look at the road and the Police Chief will contact Dick about looking at the shooting lay out. Dick offered to place signs out when gun shot will be fired. The Town Administrator told Dick that is a good idea. Mike said these are measures that mitigate the problem, but they don't make it go away, he feels the noise ordinance is being violated. Mike said on a typical shoot he listens to about 150 rounds go off in a 2 hour period, this not a nice way to enjoy his property. Mike also feels if this activity is devaluing his property value, then he is not going to let this go, there is better mitigation than just signs. Dick said he wants to set a decibel meter at Mikes house, he feels the meter will indicate the noise level is less than someone driving in a car.
- H. The Town Administrator said he spoke with the Police Chief and the nuisance ordinance is subjective, it has to be, in some way, looked at in the light of what may be common practice in other areas as well. Mike gave an example; suppose his house is for sale and realtor is showing the house to a young family with children and pets and over the next hour or so 150 rounds go off. Dick said if you let me know about it. Mike said he shouldn't have to. Dick said the same for the lady with the ugly pink house above him, she went to the Police Chief and asked what can be done about the shooting, Dick said the Police Chief told her to move.
- I. Dick said what he is trying to prevent is Chuck Rose closing his land to open recreation because that is what it is coming down to. Mike said Chuck Rose pays \$269.00 in taxes for 155 acres, that is pennies on the dollar because he agrees to keep the property open to hunting, hiking, skiing etc.

3. State Shed - Surplus

- A. Selectman Brown said he called Phil Miles on the State level who provided a contact, Chuck Schmit, who is the Administrator of the Bureau of Right-of-way. Mr. Schmit told the Town, if the Town really wants an iron clad yes or no on if the State shed by the Transfer Station will become surplus the Selectmen should write a letter of intent along with a copy of the tax map and a \$500 deposit which will go to the sale price or returned to the Town. Selectman Carson said if the property does become surplus he would like to see the Town purchase the property.

Board Action

Selectman Carson moved to send a letter of intent to the State for the availability of Map 17 Lot 1. Selectman Brown seconded the motion, motion passed 3-0.

4. Planning Board Recommendations for Purchasing Map 34 Lot 20-2 for a Fire Site

- A. The Planning Board sent the following letter to the Selectmen regarding the Selectmen's request for comments.

TOWN OF WARNER
Planning Board
P.O. Box 265
Warner, New Hampshire 03278-0059
Telephone: (603)456-2298 ex. 7
Fax: (603) 456-2297

April 22, 2015

Board of Selectmen

In response to the March 16, 2015 notification from of the Board of Selectmen pursuant to RSA 41:14a, at the Planning Board's April 6, 2015 and April 20, 2015 meetings, the Board reviewed and developed recommendations pertaining to the proposed Town purchase of Map 34 lot 20-2 as a site for a Fire Station.

The Planning Board held these public meetings but they did not include public hearings. The Board did vote to allow members of the public to speak under the Agenda's Public Comment item prior to the Board's review agenda item. The public present at the meeting of April 6 were read the RSA and informed there will be 2 Public Hearings held by the Board of Selectmen as part of this process.

Documents reviewed

1. Master Plan
2. Subdivision Regulation
3. Zoning Ordinance
4. Site Plan Review Regulations
5. Planning Board Minutes
6. Public Comment – refer to Planning Board minutes (DRAFT 4/6/15 Meeting Minutes attached)

Comments

1. A new Fire Station is expressed as needed by 2015 in Chapter 6.10.2 of the Master Plan.
2. The driveway should conform to the requirements for the approved subdivision's configuration and initial DOT driveway permit.
3. There were no preliminary schematic layout of roads, parking and buildings available so the Board could not make judgment toward on-site traffic flow and ability for future expansion.
4. Per RSA 674:54 Governmental Land Uses, as a part of the review process, the Town must come before the Board for Planning Board review and comment.
5. Proper facilities for containing hazardous materials stored at the site, and research of state and federal agency requirements such as EPA and DES guidelines.
6. The construction of a fire station at this site will likely have a negative impact on surrounding property values.
7. It is not clear that the Board of Selectmen made an adequate outreach to property owners in this area.
8. A fire station at this location is not in line with the image of the Master Plan related to residential areas.
9. If the primary purpose of acquiring a large lot is to hold training, a smaller less expensive lot could be purchased instead.
10. Consider satellite buildings for the Fire Department so a large building would not be in residential area or would minimize size of building in a residential area.

Pro

1. Topography for the majority of the lot is relatively level and should prove to be good for cost effective building construction.
2. The Site is adjacent to a major road, water, sewer, three phase power, phone, and internet.
3. The lot conforms to buildable area requirements of the Zoning Ordinance.
4. The site is not in a flood plain zone.

Con

1. There may be site drainage design issues with the residences downhill to the south and a stream downhill on the east of the site.
2. The site is within the Village Residential District R-1 which per Zoning Ordinance Section V introductory paragraph indicates the "... *District R-1 is designated for residential uses and those uses normally associated with residential neighborhoods such as schools, churches, and parks.*"
3. In the Zoning Ordinance Table I Use Regulations under Community Facilities item #7 "Town Buildings except equipment garage" is permitted and item #12 "Town equipment garage" use is not permitted.
4. There are no sidewalks for pedestrians along Route #103.
5. The site is in the Precinct's water well radius and watershed.

Recommendations

Pre-Purchase

1. Board of Selectmen should determine whether a fire station is a permitted use in the district or if a variance is required. If required, obtain prior to purchase.
2. Demonstrate that the site will be adequate for the towns future needs.
3. Consider an option to purchase agreement pending engineer review of the site.
4. Prior to development of a fully engineering site plan, present conceptual plans to the Planning Board for review and comment.
5. Purchase predicated on the Planning Board's review of an engineering site plan and town to obtain any required state and federal permits.
6. Require in writing that the driveway change in use is acceptable to the NHDOT.
7. Consideration of having a traffic study performed for this use.
8. Consideration of risk mitigation for pedestrians.

Post Purchase

9. Provide provisions or limit hazardous materials used during training maneuvers and equipment wash-down at the site.

The content of this letter was approved 6-0 by the Planning Board at their April 20, 2015 meeting. Please contact the Land Use office with questions.

Rick Davies _____ Date: April 22, 2015
Planning Board Chairman

cc: Board of Selectman
Town Administrator

- B. Selectman Carson said the Planning Board will be sending Bob Egan a letter, property owner of Map 34 Lot 20-2, regarding the driveway that is not in compliance with the approved subdivision.

- C. Selectman Carson said he is still in the camp that thinks that Map 34 Lot 20-2 is an awful place for the fire station. He would like to have at some point, an open discussion as to why the lot needs to be 3 acres when other towns put fire stations on much smaller properties. Selectman Brown said his concern has been the need to be able to expand. He said he remembers when the houses were torn down for the existing fire station, there's no parking or future expansion on the lot, otherwise the Town would be expanding there instead of trying to find a new lot. If the Town builds a building that will last 25 years, and, if again, is put on a lot that doesn't allow expansion, he said, we can't find a lot now that's acceptable to people, then where in 25 years will we find a lot that is centered in the center of Town where the fire department wants to be.
- D. The Town Administrator feels Selectman Carsons' point about an open discussion is warranted but he believes the discussion will be wasted time until the Town completes an analysis on the property. That's having the site engineering done and forming the building committee to look and determine if the site will work. Then have the open discussion.
- E. Selectman Brown would like to set some grade stakes out for a 7,000 square foot building plus parking for 40 fire department members. Selectman Carson agrees the lot can sustain a fire station, he doesn't like the location, and he said there is a lot of the community thinking that way as well. The Town Administrator said the Board has to make a decision that is cost effective for all the taxpayers, and for the Board to turn around and buy another lot because a few people don't like Map 34 Lot 20-2, and then costing all the other taxpayers another \$250K - \$500K in site work on the other lot, that's not a good plan either.
- F. Selectman Brown commented on the #2 con: The site is within the Village Residential District R-1 which per Zoning Ordinance Section V introductory paragraph indicates the "... *District R-1 is designated for residential uses and those uses normally associated with residential neighborhoods such as schools, churches, and parks.*"

Selectman Brown said putting a school on that lot as an example is worse because of all the parents that drive the children. He said there were 300 calls the fire department reacted to last year, that's not even one call a day versus a school that can generate a lot of traffic daily except for 2 months out of the year.

- G. Comment #3: There were no preliminary schematic layout of roads, parking and buildings available so the Board could not make judgment toward on-site traffic flow and ability for future expansion.

Selectman Carson reported the Planning Board was not pleased about being asked for comments and opinions when there are no plans to go by. Chairman Hartman said he would have said to Planning Board to focus on the things that the site is and assume the site will hold a building and parking. The Board of Selectmen is looking for input on whether they should buy the land or not. Selectman Carson said the Conservation Commission said it was a decent piece of land, he said the Planning Board wanted to know how many parking spaces would be needed, they said they had no basis for saying whether it's a good lot or not. The Town Administrator said it will be addressed.

- H. Comment #5: Proper facilities for containing hazardous materials stored at the site, and research of state and federal agency requirements such as EPA and DES guidelines.

The Town Administrator said this can be part of the environmental watershed analysis that is already being discussed with Provan & Lorber Engineering firm.

- I. Comment #6: The construction of a fire station at this site will likely have a negative impact on surrounding property values.

The Town Administrator said this is pure opinion. The Town Administrator had the Assessing Clerk check with the Assessor who said most Assessor's do not have a check off in terms of automatically lowering the property value for living close to a fire station. In fact the Assessor said it is most likely the opposite. The Town Administrator has placed a call into the Assessor in Goffstown because they have 3 fire stations in town. There is no data to be found to support a fire station impacts property values negatively. Selectman Carson said what disturbs him is having the fire station in a residential area, people going to the station all hours of the night, the lights at night because it would need to be lit up at night. Selectman Brown said the

Fire Chief said what they do now is there is no parking lot lights and the building is not lit up unless there is an alarm which will trigger the lights to come on in the building and the parking lot.

J. Chairman Hartman asked where is the ideal location. The Town Administrator said a few people have indicated across the street from the current fire station. Selectman Carson said the lot across the street from Map 29 Lot 1. The Town Administrator said no matter what lot is chosen there will be push back.

K. Comment #9: If the primary purpose of acquiring a large lot is to hold training, a smaller less expensive lot could be purchased instead.

The Town Administrator said the primary purpose of the lot is to hold a fire station and expansion for the future.

L. Comment #10: Consider satellite buildings for the Fire Department so a large building would not be in residential area or would minimize size of building in a residential area.

Selectman Brown said this comment should be considered. The Town Administrator said having satellite buildings only works when you have firemen on payroll assigned to a station.

M. Con #1: There may be site drainage design issues with the residences downhill to the south and a stream downhill on the east of the site.

Selectman Brown said the drainage issue can be addressed.

N. Con #3: In the Zoning Ordinance Table I Use Regulations under Community Facilities item #7 "Town Buildings except equipment garage" is permitted and item #12 "Town equipment garage" use is not permitted.

Selectman Brown said this is a fire station, the Town equipment garage is the Highway Department. Selectman Carson said the discussion amongst the Planning Board was what do you keep in a fire station? Equipment.

O. Con #4: There are no sidewalks for pedestrians along Route #103.

Selectman Brown said this is not a point because there are no sidewalks whether the station is built or not. Selectman Carson said the concern of the Planning Board was safety.

P. Con #5: The site is in the Precinct's water well radius and watershed.

The Town Administrator said this will be covered under the analysis.

Q. The Town Administrator said the question is what would be the next step the Board can take regarding answering these concerns and it would be to obtain more information.

R. **Planning Board Recommendations**
Pre-Purchase

1. Board of Selectmen should determine whether a fire station is a permitted use in the district or if a variance is required. If required, obtain prior to purchase.

2. Demonstrate that the site will be adequate for the towns future needs.

The Town Administrator said the Board would need to know what the Planning Board is looking for in terms of demonstrate.

3. Consider a purchase agreement pending engineer review of the site.

4. Prior to development of a fully engineering site plan, present conceptual plans to the Planning Board for review and comment.

5. Purchase predicated on the Planning Board's review of an engineering site plan and town to obtain any required state and federal permits.

6. Require in writing that the driveway change in use is acceptable to the NHDOT.

7. Consideration of having a traffic study performed for this use.

8. Consideration of risk mitigation for pedestrians.

Post-Purchase

9. Provide provisions for limit hazardous materials used during training maneuvers and equipment wash-down at the site.

S. The Town Administrator is recommending convening the building committee as soon as possible. The Town Administrator will talk to Provan & Lorber about a site analysis and the cost for. The Town Administrator also asked Selectman Carson to write down his thoughts regarding the need for a different site for the Board to consider.

5. Adjournment

Motion was made and seconded to adjourn at 6:05 pm. Motion passed 3-0

Board of Selectmen
David E. Hartman – Chairman
Clyde Carson
Allan N. Brown

Recorder of the Minutes: Mary Whalen