

TOWN OF WARNER – ZONING BOARD OF ADJUSTMENT

Approved Meeting Minutes

March 8, 2017 7:00 PM

Warner Town Hall, Lower Level

Members Present: Chairwoman Janice Loz, Vice Chair Rick Davies, Andy Bodnarik, Howard Kirchner, Gordon Nolen, Alternates, Beverley Howe, Corey Giroux

Land Use Secretary: Lois Lord

Late Arrival: Alternate Barb Marty

1. OPEN MEETING

Chairwoman Loz opened the meeting at 7:00 p.m.

2. ROLL CALL

Roll call was taken with seven members present, one absent.

3. APPROVAL OF MEETING MINUTES

Chairwoman Loz brought forth the Meeting Minutes of December 14, 2016 for approval. There were a few changes noted.

A **MOTION** to approve the minutes of December 14th as amended was made by Rick Davies, seconded by Howard Kirchner. A **voice vote was taken** with the result of 5-0-0.

Alternate Barb Marty arrived at 7:05.

4. NEW BUSINESS

Public Hearing of ZBA 2017-01 Special Exception

Property Owner: Richard M. George

Applicant: Dragonfly Holdings, LLC – Eric Miller

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

Special Exception: Zoning Ordinance Use Table Retail and Services Number Twenty. *Other amusement and recreation service, indoor.*

Proposed Use: Indoor gun range and retail store

Chairwoman Loz brought this special exception application forward to the board. **Andy Bodnarik recused himself from this case as his term on the board is expiring and he is not reappointing and also because he is not indifferent to the outcome of the application.**

Rick Davies commented that the second reason would be valid but the first reason is not as there is no reason someone in that position could not sit on the board and be part of the process. Chairwoman Loz asked Alternate Beverley Howe to sit as full board member in Andy's place.

a. Review and Accept/Reject Application

Chairwoman Loz noted this is done by the board as an administrative task and is very important. Discussion ensued with Rick noting an email from an abutter stating they had just gotten their notice in the mail today. He asked if all the return receipts had been received. Lois Lord replied that everyone was noticed and the notices went out on February 27, well within the five day requirement. She had not received all the return receipts but it's not unusual for that to take a while. Chairman Loz said the email from the abutter was received after the twelve o'clock deadline on meeting day and the board can decide if they want to consider it or not. Rick asked if fees had been paid and Lois confirmed they had been.

Chairwoman Loz read the details of the case from the application and noted that the applicant is seeking relief under terms of Article VI, Section B which Howard Kirchner corrected to Article XI. Barb Marty asked what percentage of the business are retail sales and what is the indoor amusement part of it and was it under the right use. Chairman Loz said we will find that out as the process goes forward and right now just want to make sure the application is complete as received and if there is anything missing or that doesn't fit as it should.

Rick Davies made a MOTION to accept the application as complete enough to start the review process. Motion was seconded by Beverley Howe; a roll call vote was taken with the result of 5-0-0.

b. Close Meeting and open Public Hearing

Chairwoman Loz asked the applicant to introduce themselves, go over the application and read over points A, B, C and D if applicable.

Mr. Miller said he has a longer statement than what is on the application and asked if he should also read that. Chairwoman Loz asked that he go over the application first and direct his comments to her.

Mr. Miller: Good Evening, I'm Eric Miller, I live in North Sutton. I am the managing member of Dragonfly Holdings, LLC. Dragonfly Holdings is going to have two subsidiaries, Dragonfly Property Management which will hold the property ownership and one the actual range and retail store that will operate under the trade name Dragonfly Ranges, LLC.

I have contracted with Richard George who owns the property and he is allowing me to apply for the application prior to actually closing on the land itself.

Board member Gordon Nolen asked Mr. Miller to speak louder. At this point the table Mr. Miller was moved closer to the board so that they could hear him better.

Mr. Miller: Under question 5, there are four sub questions, A, B, C, and D.

He read the questions and the answers he had provided with the application as follows:

- A. *The use requested is identified in the Zoning Ordinance as one which may be approved by the Zoning Board in the district for which the application is made.*

There are two aspects to this operation, a retail store which currently falls within the permitted zoning classifications for a location zoned C-1 and an indoor gun range which is listed as permitted but requires a special exception from the zoning board. The town of Warner, New Hampshire Zoning Ordinance (as Amended March 8, 2016) includes a section for Retail and Service which includes Section 20: Other amusement and recreation service, indoor. An Indoor gun range falls with Standard Industrial Classification Code 7999 – Amusement and Recreation Services, not elsewhere classified.

- B. *The requested use is essential or desirable to the public convenience or welfare.*

There are estimated to be one million one hundred thousand guns in a state with a population of slightly over one million three hundred thousand people. The right to own a firearm is constitutionally protected; however each and every gun owner owes a duty to their communities to be a responsible gun owner. This social contract requires that they are educated on:

- *the state and federal laws regarding ownership,*
- *a strategy for the security of the weapon either within their residence or on their person,*
- *safely controlling their weapon to avoid accidental discharges and*
- *operating the weapon effectively and safely.*

Dragonfly ranges will play a crucial role for responsible gun owners seeking to meet their responsibilities. It will provide introductory classes for novices, a venue for socially responsible owners to practice their proficiency with their firearms in a safe and controlled environment, as well as offering intermediate and advanced classes. Additionally, the range will allow those considering a new purchase of a firearm to rent the firearm and test the ergonomic fit and appropriateness for their personal circumstances prior to purchasing it from our retail store.

Too many gun owners are unable to practice with their firearms at their homes due to geographic limitations or courtesy to their neighbors. Never the less, each owner needs to maintain a certain level of proficiency to meet their responsibilities as a gun owner. This is where Dragonfly offers an environment where the sound is contained and the lead is properly collected and recycled where they may improve their proficiency. Dragonfly's HVAC system will exceed OSHA, EPA & NIOSHs' indoor air quality standards for the removal of lead particulates. The HVAC system will not recirculate any air but rather have a 100% fresh air system with HEPA exhaust filters.

C. The requested use will not impair the integrity or character of the district or adjoining district nor be detrimental to the health, morals, or welfare.

Dragonfly Ranges will be an asset to the community. Its very existence will hinge upon the community embracing the idea that a controlled, environmentally sound environment is preferable to shooting where they are either trespassing in a closed sand pit or shooting on their own land where their neighbors are enduring the 140 decibels (plus) sound until they are done.

Dragonfly is engineering this range to exceed the specifications of the Department of Energy, Environmental Protection Agency, and Occupational Safety and Health Administrations for sound abatement. Its outer walls will include a 6" cement core with insulation on both sides bringing the R value to 24 (prior to installing sound abatement panels). The roof will be insulated to over R 50 before adding sound abatement panels. The ranges on either side of the building will be pistol only ranges (plus carbines in pistol calibers) additionally; there will be a sally port that will add an additional 11 1/4" thick wall before the exterior. This means the louder firearms are fired only in the center of the building giving them two walls of sound abatement before the exterior of the building.

The ambient noise from the interstate, industrial operation next door and the State Department of Transportation shed will exceed the range noise.

D. Not applicable

Mr. Miller asked if he should go into the longer statement and Chairman Loz told him to proceed with that.

Mr. Miller read his statement as follows:

Tonight Dragonfly Holdings is seeking a special exception on a piece of property currently known as Tax Map 3, Lot 33. Dragonfly Ranges will be a federal firearm licensed dealer who believes that every firearm owner enters into a social contract with their community and that they will adhere to the laws while learning to properly control and fire their firearms. Our facility will sell and rent firearms, offer classes and provide range rental services.

Our classes will range from introductory classes, couples classes, women only classes, along with intermediate and advanced classes. The curriculum will focus on the rules for safe gun handling, the mechanisms of firearms and shooting fundamentals while including the core principle that their constitutional rights come with responsibilities that must be met.

The building project includes two buildings that are connected by a breezeway. The lot is Zoning District C-

I so the retail store fits within the permitted use section of the zoning code. However an indoor gun range does require a special exception per the zoning code hence tonight's hearing. I believe the range falls into section 20 of the zoning use chart: other recreational indoor use. Indoor gun ranges fall in the Standard Industrial Classification Code category for Amusement and Recreation Services. Also in this category you would find bowling alleys, commercial sports, and theatres. Each of these businesses as well as the gun range are consistent with the spirit of the zoning ordinance referenced in Section 20.

In designing the range we used the Department of Energys Department of Health, Safety and Securities public standards for indoor gun range. The document touches on the design of the walls, the floors, ceilings, backstops, in addition to the environmental concerns, and sound abatement. Dragonfly Ranges has engineered the range to meet or exceed each of these criteria. The two areas that will far exceed their standards are the indoor air quality and sound abatement. The air handling systems will not recycle any of the exhaust air thus eliminating the possibility of cross contamination. This is because the nature of the system will feed over 40,000 cubic feet per minute of clean fresh air into the range and will keep exhaust at a minimum 110% of that amount. This is design creates a negative pressure in the building thus pulling the smoke and lead dust away from the shooters face. The exhaust air is filtered before exiting the building.

The second area where we will far exceed the Department of Energys standard is sound abatement. The standard calls for a 6" thick cement wall and one layer of sound abatement panels installed on the inside walls only. We will be building an insulated concrete form structure that uses ICFs that will be 11 1/4" thick consisting of foam insulation on both sides and a six inch core of cement. On top of that we will have a layer of sound abatement panels. The end result is two layers of sound abatement on the inside and one layer on the outside of the building while on the ceiling the insulation will meet or exceed the R 50 value.

This alone would eliminate any impact on the surrounding business but the design of the range goes further than that. As you will see the center range in the diagram provided is the rifle range. Rifles as I'm sure you know are far louder than pistols with some calibers reaching 180 decibels. To address this concern we placed the rifles in the middle of the building which means there two 11 1/4" thick walls between the firing lanes and the outside of the building. On the opposite side of the building there will be 40 tons of ballistic rubber spread between all the backstops. No sound will be escaping from that end of the firing range.

I would suggest that this property is the best location in Warner for an indoor range. It is zoned C-1 while surrounded by an industrial operation, the State of NH DOT shed, and a state forest. The property is about 500' from the interstate which creates substantial ambient noise on its own. To be conservative, I've also notified two residential abutters, one abutters residence is in the shadow of an active lumber yard and will be over 600' from where the range building will be situated. The other abutter residence is over 800' from the range building and is on the far side of the DOT shed.

While the shape of the lot offers a lot of challenges, its only 180' wide and about 800' long, this is the right location considering the short list of abutters. The buildings have been tastefully designed to be aesthetically pleasing and will increase the property values of the surrounding buildings. The ranges business model calls for drawing clients from roughly a thirty mile radius. It should have a positive impact for the neighboring businesses by giving them greater exposure.

I have never been to a zoning meeting before tonight, never the less presented at one. As I understand my role here is to prove that our range will provide a desirable or essential role to the community while not creating a public nuisance. I'm happy to present our case for the range. Since an indoor gun range does not fall neatly into any typical category I think that a driver education school would be a proper analogy for the range. Each young adult chooses to take on the responsibilities of driving must educate themselves on the rules of the road at both a state and federal level while dedicating themselves to protecting the lives of those they share the road with.

Going back to the driver's education analogy, young drivers who have educated themselves but have not

mastered the skills of vehicle control are also a danger to their communities. Dragonfly would argue that so are firearm owners who purchase a weapon without proper training. That training similar to drivers ed, should be completed with their own firearm in a safe and controlled training environment.

We also feel that the social contract extends to the security of the firearm. Owners who fail to secure their weapon by not keeping it out of the reach of children and prohibited adults are breaking that social contract. Dragonfly will sell safes, trigger locks and chamber locks for the responsible firearm owners. Dragonfly will dedicate to offering classes and training that will play a vital role in fulfilling the entire social contract. We believe firearms proficiency is a perishable skill and needs reoccurring practice to maintain sufficient level proficiency. While we do not disagree with changes to New Hampshire's gun laws, we do believe that there is a large population of firearm owners who will need range time and perhaps training to refresh their proficiency before they should attempt to constitutionally carry their firearm.

The range at its core will be an educational training facility which adheres to the principal of being an asset to the community which it serves. While later tonight it is possible we may hear from individuals from the public who may have a different view of public and state policy, we welcome those comments and like to point out that we believe we have common ground between us. Dragonfly's core principals are that firearm ownership comes with substantial responsibilities. Those responsibilities require the owner to act to meet them and there should be a place to meet those responsibilities. In the I-89 corridor Dragonfly ranges will be that place. Thank you for your consideration here tonight.

Chairwoman Loz asked the board if they had any questions. Gordon Nolen asked Mr. Miller what his experience is in the business that he is opening. Mr. Miller replied that his family business was managing 275 insurance companies in fifteen countries and they sold that business in 2015. He retired at age 50, got bored and decided to go back into business with something that is fun to do. In terms of direct experience in the firearm industry, he is a novice and will find trained individuals for the range who will have NRA and SAFE training credentials.

Rick Davies noted he had a list, some of them procedural and asked questions of the applicant as follows:

Rick: Did he hear Mr. Miller say he is buying the land and will be closing on it in the future?

Mr. Miller: I'm under contract to buy the land.

It was clarified that Mr. Miller does not currently own the land but the owner, Mr. Richard George was present at the meeting. Chairwoman Loz said she would also like to note that in the meeting packet there is a release where the owner has elected Mr. Miller to speak on his behalf.

Rick: Oftentimes there is a letterhead from a company stating that the applicant is representing them. Do you have that tonight?

Mr. Miller: He's an individual so that letter with his signature is all he has to provide.

Rick: How many people would come to a place like this in a day?

Chairman Loz interjected pointing out the application form with signature of the property owner designating the applicant to act on their behalf is what the Zoning Board of Adjustment requires. Rick said oftentimes if there is a thing like he was describing where there is a purchase and sale there is a letter describing that. It's good procedure to have all the ducks in a row. Chairman Loz stated that what he has given us is sufficient.

Mr. Miller: There are going to be 16 lanes, of those 6 of them are going to be competitive lanes.

Rick: I'm thinking more of the traffic to the building.

Mr. Miller: If the range was full that is 22 people and we will be open from 8 to 10 hours a day. In terms of the traffic you could call it 220 people coming to and from the range. The retail store I do not expect to have substantial sales for a couple of reasons. One is the change in the presidency has reduced the rush to purchase. If we start with 220 people to the range and, for the sake of argument, 50 people to the retail store, that's a pretty good estimate.

Rick: Did you get referred by the Planning Board?

Mr. Miller: I did not; I wasn't sure which was first the chicken or the egg.

Rick: In the details, oftentimes they like to have a conceptual first but that's fine.

Lois Lord interjected at this point and said she told Mr. Miller he would need to come before the Zoning Board of Adjustment first, then the Planning Board. Rick replied that it's really just a procedural question here, to get it in the record.

Rick: Is there an existing facility that is basically the same as what you are proposing?

Mr. Miller: There are 3 public ranges in the state of New Hampshire. There is Manchester Firing Line which is slightly larger than this one would be which is near the airport, there is Belmont Firing Range which is smaller, and one down by the Massachusetts border, Granite State Firing Range which from what he can tell they market into the state of Massachusetts and not into the state of New Hampshire. Those are the three that are comparable. The reason public firing ranges would be comparable is that a lot of the firing ranges, indoor or outdoor, are grandfathered under old clauses. He is adhering to the new EPA and OSHA standards in terms of lead abatement and sound. Those three ranges do adhere to those standards and he couldn't say the other private ones do.

Gordon Nolen confirmed the three ranges Mr. Miller had mentioned. Mr. Miller then stated there are others, such as Sig Sauer which is associated with their training facilities so it's semipublic. For the public to walk in off the street and rent range time there are three he is aware of.

Rick: You described your acoustic system, I don't know if there's an Sound Transmission Class rating or how it's measured outside. If you were 100 feet away is there a standard or measure for what the sound would be?

Mr. Miller: Not that I'm aware of. There is a build standard from the Department of Energy and in order to get insurance I have to build a new range to that standard. I have more than doubled the required standards. In terms of could you stand 100 feet away, I spoke with the head of the range program at the National Shooting Sports Foundation. There are 3,300+ indoor gun ranges that they are aware of. They have had one that's had a noise complaint. When the Zoning Board and a news reporter went to that range they couldn't hear what the complaint was about and it was dismissed.

Rick: Is this a training facility in addition to just having people coming in and polishing their skill?

Mr. Miller: It is an educational facility. Our marketing will be aimed toward novices and the largest growth within the industry is female shooters which we will be targeting as well as couples.

Rick: Any idea of the percentage of training versus people practicing?

Mr. Miller: The business model calls for about 20% of the revenue coming from training and 80% at the range itself. The retail store is a small percentage of either of those two.

Rick: Are the HEPA filters changed on a regular basis, is that a requirement?

Mr. Miller: It is a requirement. If you do not properly configure your HVAC system the EPA has come in and there are at least half a dozen cases where they have issued a \$100,000 fine for an improper configured HVAC system. When I talk about fresh air coming in from the outside and blowing past the shooter and 110% coming out that is a standard which I have to adhere to. Most of the gun ranges that were built 10 years ago recirculate from one end of the range to the other. The EPA has said they have a strong preference for a fresh air system. He will be subject to random inquiries by the EPA who will walk in and test the air quality in the building and if he fails he's looking at a \$100,000 fine. On the back end of the building, in terms of filters if they get clogged and I'm not pulling the amount of air I need to out of the building that means the smoke and the lead dust are not being pulled away from the shooters face. It's a substantial concern and we have engineered it into the plan to adhere to those requirements.

Chairwoman Loz asked a few questions of Mr. Miller as follows:

Chairwoman Loz: What is the square footage of the two buildings?

Mr. Miller: 11,800 is the rough square footage. The range itself, the physical lanes are about 9,200 square feet but on top of that we have a sally port which gives us a second wall to contain sound and the little box off the back of it is for the range safety officer office. What I've done is to design it in such a way that it's dead center and there will be two sets of cameras on each lane. If somebody is doing something inappropriate they'll be 4-5 seconds from getting behind them.

Chairwoman Loz confirmed the 11,800 square feet is for both buildings and asked what the two buildings are.

Mr. Miller: The larger of the two buildings where you see the longer piece, the center piece is the rifle range. What you're going to see is traditional stalls with a bulletproof plexi glass panel between each one of those stations; there will be 10 in there. On the opposite end of the building there will be 40 tons of ballistic rubber so what you actually have is a steel plate on an angle and two foot thick ballistic rubber that when spread across the back of the building amounts to 40 tons which will go higher than the ceiling. The ceiling height in each of those ranges will be 8 ft. The building height is 14 feet. The difference between that is sound abatement and targeting systems that will come down from up there.

The other building is 40' by 60' and is the retail store. In the back of the store you see a square box which is a 12'x12' vault. His one and only fear with this business is that the wrong person will get their hands on one of the firearms. At night, the firearms will be moved from their cases and locked in the vault that will be steel rebar reinforced cement on all four sides with a bank vault door.

Chairwoman Loz confirmed foot traffic will go to one side for the range or the other side for the store and asked if there was a connecting hallway between them.

Mr. Miller: There is a breezeway that goes between them. The handicapped access is directly in front of the front door. You come in, inside the door will be a hostess station where they will be greeted and given a range time and can wait in the lobby where there will be seating or go into the retail store where there will also be seating.

Chairwoman Loz: What is the setback from the road and where is this in Warner, it's in the Davisville area right?

Mr. Miller: For 100 years this piece of property was part of the Davisville State Forest. Accidentally an easement was given and a powerline put through the state forest. The state forest has a rule that they cannot do forestry within 200 feet of a powerline. The property is 800 feet long and more than half of it became useless to them so they sent it out to bid. Richard George bought it at auction in June of last year, I believe

and I'm hoping to purchase it. So it is as much as you're going to get a virgin piece of forest in the state.

Chairwoman Loz: Is it right behind MadgeTech?

Mr. Miller: It's between MadgeTech and Warner Road, directly across from the New Hampshire DOT shed.

Chairwoman Loz: Is there anything behind lot 33, between that and the interstate?

Mr. Miller: Knoxland would be considered an abutter and they are over there. In terms of residential houses, there is a house on the far side of the DOT shed that has sort of a triangle shaped property that does come within the abutter property. They will be 800 feet from where the building will be located on the property and on the opposite side, if you were to go down Warner Road and cross 103; there is an abutter that is next to the lumberyard. They will be 600 linear feet from the range to where their property begins. The State of New Hampshire has three pieces of property around there and I don't believe there's anything else.

Chairwoman Loz: Do you know how many feet the building will be setback from the road?

Rick Davies noted the ordinance requires at least 40 feet in the C-1 District.

Mr. Miller noted he had a drawing of the building which he had prepared to submit to the Planning Board and a quick calculation puts it at roughly 60 feet to the edge of the nearest part of the building. He explained there is a 10 foot buffer to the edge of the parking, the parking is 44 feet wide and there is a 5 foot setback from the edge of the parking to the building.

It was confirmed the parking would be on the road side of the building with a total of 34 parking spots in front and an overflow parking area behind the range which will be gravel which will also allow delivery trucks to turn around. Mr. Miller noted one thing that's worth mentioning for the record is that there is a snowmobile trail which runs through the property and they have asked to have it rerouted behind the building and he no problem maintaining it.

Chairwoman Loz asked if any other board members had any questions. Barb Marty asked if Mr. Miller had talked to the abutters. He replied he talked to Knoxland and stopped by MadgeTech but did not get a return phone call. Gordon Nolen stated Mr. Miller had already answered his questions. No one else on the board had any questions. Chairwoman Loz noted that it was very thorough.

Chairwoman Loz opened up the meeting to public comments, asked any abutters to comment first, and asked anyone speaking to stand and state their name and what property they owned. There were no abutter comments.

Chairwoman Loz noted the email received from MadgeTech who is an abutter and noted it had been received after the deadline. She stated the sender said they didn't have anything to say but wanted to say something. Rick asked that Chairwoman Loz read the email and as it was received after the deadline his only concern was they just got to it because they had a stack of paperwork or they just received the notice.

Corey Giroux noted that it doesn't matter, Lois confirmed it was sent on the 27th, it's a property in town and there's no reason they didn't have it within 2-3 days, long before the deadline had expired and in his estimation there is no reason to hold it against the applicant.

Chairwoman Loz noted the email was from Arlene Russell at MadgeTech. At this point Beverley Howe interjected and said that Mr. Carlson the owner of MadgeTech's son was present and perhaps he could speak for him. Corey noted MadgeTech could have sent a representative if they wanted to. Chairwoman Loz noted the email was cc'd to Norm Carlson and Jennifer Arsenault and read the emails as follows:

3/8/2017

5:12

To The Zoning Board,

On Behalf of Norman Carlson of Warner Road Holdings received a certified letter today stating the March 8th meeting.

Mr. Norman Carlson an abutter to the above property will not be able to attend the 8pm meeting as he is Flying home from Japan today.

He would like to know the details and to be heard on this matter.

He looks forward to hearing back in regards to this.

Kind Regards,

*Arlene Russell
Accounting Dept.
MadgeTech, Inc.
Phone: (603) 456-2011
Fax: (603) 456-2012
Arussell@madgetech.com*

Chairwoman Loz said she was not sure what they would do with this. Mr. Miller stated he had stopped by MadgeTech more than two weeks ago before he filed the paperwork for the special exception. He left his name and cellphone number with an explanation of what he is looking to do and told them he would like to speak with the owner and answer any questions they might have. He left that information with the receptionist. He said he was hoping for a response but didn't get one. Chairwoman Loz asked what date that was and Mr. Miller said it was before the 16th, probably the 14th or 15th of February, the same date he spoke with Knoxland whose only concern was that he preserve the snowmobile trail.

Chairwoman Loz noted that no abutters had asked to speak so they would go on to the public. She reiterated that anyone who spoke, stand, give their name and speak loud enough to be heard. The following members of the public spoke.

Paul Violette - 460 Rte. 103 East: I've lived in Warner all my life and live less than one mile from the location being discussed. I stand in favor of this type of operation. I'm not looking for a job or anything but I am a certified range safety officer. I've been in the shooting sports all my life so I'm very familiar with that type of operation. I am in support of the operation and the location for it.

Kimberley Edelmann – 381 Kearsarge Mountain Rd: I own a horse farm and we like to shoot our guns and also have neighbors who like to shoot their guns but it's difficult when you have horses and dogs. I look forward to seeing a range that's local as going to Manchester is not fun. I support this as well.

Nick Clark – 278 Kearsarge Mountain Rd: I support this endeavor.

Richard Senor – 24 Willaby Colby Lane: I see this is a win-win situation to bring something new into town and also we're getting tax revenue from this gentleman who is opening up a business.

Andy Bodnarik – 31 Runnels Loop: I'm not a republican, I'm not a democrat, I'm undeclared. That means I can be an equal opportunity pain in the ass as this board well knows. I looked over the application and my comments start like this: I'm not opposed to responsible ownership of firearms.

At this point Ed Mical, audience member interrupted and said: I have a point of order. He recused himself, how is it that he has the application and it's not available for any of us. Chairwoman Loz and Rick Davies responded that it is available in the Land Use office. Anybody can go and look at an application. Rick stated that just for the record, all the cases that come in are posted 10 days prior to the meeting which Lois clarified as being 5 days for ZBA but she usually does it sooner than that. Rick continued, they are in two locations in town and on the town website and in the Concord Monitor so that is to notify the public in general. And then the notices are sent out, the registered notices he talked about before, are sent out to the abutters so there is a process for that which allows people to come to the Land Use Office and either observe the application or request a copy.

Chairwoman Loz said it's not something they have normally done to leave copies of applications for the public to pick up when they walk into the meeting and maybe it's something we should do but haven't discussed it as a board. This is all public information and anyone is privy to reading it at any time and it's not something we're trying to keep secret from anyone. Most everything that's in this application has been read out loud to you today. The only thing you're not privy to are the pictures. Andy recused himself but all the board members get a packet in the mail a week or two prior to the meeting and at that time we don't know whose going to recuse themselves and who isn't. After they read the application they know whether they should recuse themselves or not. Now he is able to speak because he's part of the public. Ed Mical said he doesn't agree with it.

Chairwoman Loz asked Andy to continue.

Andy Bodnarik – 31 Runnels Loop: Comments on the application are at a minimum I recommend that the board schedule a site visit before reaching a decision. Since the first page indicates that site plan approval is required I further recommend that the board obtain a copy of the site plan and further that the board conduct a joint hearing with the Planning Board.

The application is incomplete because it does not contain the following items: Diagram that lists the setback distances. The diagram itself does show approximately 30 spaces and I think the number quoted tonight was 34. The application should be required to apply for another special exception for a commercial parking lot. This issue has come up before the board (see Ordinance page 39, item 22). The applicant has not specified in the application the days or hours of operation although he did mention them tonight. The applicant has not specified a location or type of signage on the building or lighting on the property. Town Ordinance Article XII pages 16-20. Applicant has not specified the type of outdoor lighting to be used on the building or around the building.

It is my opinion that the range described is not essential for the town of Warner as there are numerous other options for training and purchase of firearms and they already exist nearby. The town of Warner is about 2,833 people according to the 2010 census. The number of registered voters is about 2,300. The applicant acknowledges in his application that approximately 1,100,000 guns already exist in New Hampshire for a population of approximately 1,300,000.

Convenience and opportunities are already available for training. We have Warner Fish and Gun Club currently in town, we have New England Tactical Company located at 769 South Road in Hopkinton, NH approximately 14 minute from the site being proposed and that ad lists it as a firearms academy and a premier source for firearms training. We have Cat Trap, Inc. at 632 Western Avenue in Henniker NH. We have Wilderness Adventure, hunting and angling club in Hillsborough, NH. We have New England Upland, LLC in Hillsborough, NH.

As far as opportunities to purchase firearms we have the Flintlock Shop in Contoocook, on the web there is something listed as Warner NH Gun Store – War Hawks, we have Marshalls Firearms 154 Main Street in Boscawen NH, we have the Barn Store of New England, LLC in Salisbury, NH, we have Morse Sporting Goods in Hillsborough, NH, we have Lewis Firearms in Bow, NH and I believe there's something called Riley Firearms located in Hooksett, NH.

It is my belief that the proposed use will impair the character of the neighborhood. It's in close proximity to Toms Pond, it's in close proximity to Pleasant Pond and in close proximity to new housing so I believe property values will decrease. It's also in close proximity to I-89.

In sum, schedule a site visit, conduct a joint hearing with the Planning Board, get a copy of the site plan, address the incompleteness issues that I mentioned, and address the issue of the commercial parking lot. I don't believe this is essential, I think other convenient opportunities are already available and I think it will impair the integrity of the district and the adjoining district, namely Toms Pond and Pleasant Pond. I think it will increase the current problem of noise that's already happening from the interstate.

Kendra West Senor – 24 Willaby Colby Lane: Is this strictly an indoor range? She was told that it is.

Josh Carlson – 201 Route 103 West: I'm Norm Carlson's son and he couldn't be here as he's been traveling the past couple of weeks. I'm a public member and not an abutter but I will say I'm not against gun ranges but I do oppose this one. The tight vicinity between where you're talking about putting it and encroaching on the area of MadgeTech, there's also I-89 on the other side and it's becoming incredible congested. MadgeTech has over 54 employees right now and the quality of life is really rich. In the summertime on the lawn people play soccer and badminton. I want to know more about the amount of sound if the building is going to be right there, how sound is going to be impacting the quality of life and peoples work environment when they're outside.

Chairwoman Loz asked Josh Carlson if you could see I-89 from MadgeTech. He replied that you could. She asked for clarification of where people go when they are outside and if it was on that side. Josh said the area is in the front where the wrap around driveway is when you first come in and on the other side and the parking lot faces 89. Chairwoman Loz asked if the area where people go to enjoy the outside, it is on the same side as the proposed gun range. Josh said it is facing that property.

Corey Giroux suggested they let Mr. Miller respond.

Mr. Miller: Our approach is to be an asset to the community so in terms of the design; the bare minimum for sound abatement was a single wall and a single panel of sound abatement. By going to the insulated concrete form, which has 2 ¼" of insulated foam on either side of the concrete wall and inside of that we're putting sound abatement panels. We're actually tripling what the minimum requirement is. We're also putting sound abatement panels on the ceiling baffles so if you've been to ranges you see an angled metal plate that goes on there, on top of that you attach sound abatement panels to reduce the sound.

Above that, we're insulating to an R50 so in terms of what could possibly be done to reduce any outside noise, I've gone to the greatest extent possibly by moving all the rifles into the center of the building as they are substantially louder at 180 decibels. Every 10 decibels is more than doubling the sound level and a pistol is about 140 decibels so a rifle is substantially louder which I've accounted for by putting in a sally port along the entire back. It looks like a hallway and the purpose is to create an entirely second 11 ¼" thick panel. Part of the environmental stress that I have to deal with in terms of OSHA is I have to reduce the impact to range safety officers of the sound. When I have the range safety officer's office on the far side of that sally port, in there I will have additional sound abatement panels directly to reduce the stress on the employees in that area. If there was something further I could to reduce the sound I don't know what it is. By creating two sets of walls and using 40 tons of ballistic rubber on one end of the building, that sound is as trapped as it can possible be.

Chairwoman Loz asked Mr. Miller to review what the hours of the operation are. He replied that during the weekday, there will be 8 hours of operation and on the weekends we'd like to stretch it to 10 hours. Barb Marty asked what the 8 hours during the week would be and Mr. Miller said he is guessing he'll start between 11 and 12 and go till about 8 o'clock at night and demand will determine that.

Gordon Nolen confirmed the closest abutter on one side is 850 feet away. Mr. Miller clarified that if you go from the building, not the edge of the property, and take google maps and measure the distance from that building to their residence is 800 feet and it's on the far side of the DOT shed. It was confirmed by Mr. Miller that the other residential abutter is if you go down Warner Road and across Rt. 103 on the opposite to the lumberyard, they are roughly 600 feet from the edge of the building. Gordon asked what type of landscaping will be between the building and the residential abutters and were there any trees. Mr. Miller replied that tax map lot 30 is owned by the State of New Hampshire and is part of the state forest. Directly opposite of the property is the Davisville State Forest and they own a piece of property that is on the northern side of the property between where this building is and where the residential abutter will be which is fully covered in woods.

Rick Davies asked how close the commercial abutter is and was told it's about 100 feet. It was confirmed that was MadgeTech and Mr. Miller said when he was there; there was heavy equipment outside so it's not exactly quiet itself.

Gordon Nolen asked if you are standing in the parking lot at the range could you hear any reports from the activity inside? Mr. Miller stated the only example he can give is if you go to the Manchester Firing Lane which is near the airport, he has stood outside that building and didn't hear anything. He has gone further than them as they have rifle ranges that go right to the outside wall and he will have two sets of walls between the rifles and the outside wall. The pistols which are quieter are on the outside wings.

Chairwoman asked for more public comment and the following members of the public spoke.

Dennis Inman – 46 Waldron Hill Rd: I do a lot of shooting at facilities primarily Sig Sauer and I'm not talking just a couple hundred rounds but thousands of rounds and the building is not quite built to these specs. The Sig building is a new one more for rifles but the handgun range which they use does have an extensive air handling system in it, if the building were virtually touching this building here you cannot hear anything. This building, there will be no sound leaving that property at all, it's all contained inside, both air and noise. I don't see where there would be any noise leaving this facility and you would be hard pressed to hear any even from the parking lot. To Bodnariks comment to being on the negative side and doing his due diligence, the property is commercial and it's going to be developed sometime. With that there is going to be more traffic. The highway probably offers more noise than a business would.

Richard Fisher - 84 North Village Rd: The gentleman over here (referring to Mr. Bodnarik), get your story straight. Wilderness Adventures and New England Upland are the same club.

John Leavitt – 65 Old Denny Hill Rd: This place isn't going to make too much noise if any noise at all from the outside. If you complain about the noise in the neighborhood Rte. I-89 makes a lot more noise than this place will ever make. When a truck goes by on I-89 I can hear it up at my house. Another thing is the criteria for this building probably shouldn't be whether it's essential to the town or needed by the town. The question should be does it benefit the town. It will encourage more people who have guns perhaps to get proper training and handle those guns properly which makes it safer for everybody in town. I think there's a real benefit to having a shooting range in town.

Ed Raymond – 560 Schoodac Rd: I'm in favor of this because I've been a member of the Warner Fish and Game for over 30 years. We have battled for years with the sound up there. I don't want to take anything away from Fish and Game as they have a great facility and they have plans to make it better. But if we've got one more place we can go when it's raining and it's soundproof it's a win-win situation for everybody.

People now are starting to shoot in their backyards, safe or not. I'm all in favor of having this facility in Warner and I think it will be a great asset.

Richard Senor- 24 Willaby Colby Lane: I shoot outside but I'd rather shoot indoors. I think everybody else would rather that also.

Kimberley Edelman – 381 Kearsarge Mountain Rd: Another thing I wanted to say is about the location which is great. This is not just for the benefit of Warner but will benefit residents in other towns. Being right at that exit, easy access on and off I-89 and if some of them come into town for lunch that's even better. The location is perfect for I-89 traffic and customer.

Ed Mical – 669 Pumpkin Hill Rd: This is in the commercial district. We're trying to get businesses to come in to increase our tax base and this is a perfect example of one that I think would benefit the town. I urge you to go through it and approve this application.

Rick Davies said my thought right now is there are two outstanding questions that we have some information on but we aren't experts on. It sounds like the sound thing is the only question. My gut feeling from my construction background is Mr. Inman's assessment that you probably won't be able to hear it on the outside. I don't know how that would affect a business that deals with I think delicate instruments that's not too far away which MadgeTech is. It's too bad the owner isn't here to elaborate on what if any issue there would be with that. The other part of this is Rte. 89 is pretty darn loud so my gut feeling is that's probably louder than what you would hear but I don't know as I'm not a sound expert. That would be a concern that we don't know for sure. The other question would be maybe the board should vote whether or not to go on a site visit. I'm not sure that we need one but maybe as part of the process we should decide before we close the public hearing so we have a chance to continue the meeting before we close the public hearing.

Corey Giroux said his instinct is that a site visit isn't necessary at all, it's a commercial property and we know it's located near the highway. The diagrams establish where it is in reference to Rte. 103, Warner Road and Rte. I-89 all of which create a fair amount of traffic and create their own ambient noise. I don't think physically seeing the site is going to impact our decision on whether or not the criteria for a special exception is met which is what we're here to deal with tonight.

Chairwoman Loz noted that was a good point and asked Mr. Miller if you could walk on the site. He replied the best way is to go up the snowmobile trail. There are 80 foot tall pine trees and all of the sub growth was taken out by the state.

Barb Marty asked Mr. Miller if he's planning on keep any of the pine trees. Mr. Miller explained he wasn't planning on it because at least three other people said if he left 80 foot pine trees unsupported, he's going to wear it. He's hoping to alternate between apple trees and Japanese maple trees around the perimeter of the property. It will take 5 years before they are productive but he feels that would look nice.

Corey stated we have to be careful to keep our considerations on what is front of us which is the special exception criteria. I've heard a lot of remarks from members of the public and the board about aspects of this application that I think would properly be considered before the Planning Board, not before the Zoning Board. We have a pretty distinct task here, it's laid out very clearly what our special exception criteria is which is what the board needs to consider. Beyond that, the board has the power to add limitations to any application like this but by and large our role here is to deal with the issue which is whether or not a special exception is appropriate. As we all know, based on the use table this is an exception of an otherwise permitted use. Our consideration has to focus on the application with respect to what those criteria are.

Chairwoman Loz noted it is a commercial district, although not a very big one and you can't get a lot of things in there so that things you do get in there are very useful to the town. She made the point the lighting

is something the Planning Board would deal with as well as setback, parking and landscaping. Chairwoman Loz said she does see the benefit of a site walk to see how it impacts MadgeTech. They've been in Warner for a considerable amount of time.

Corey said he would argue against that as it's not part of the consideration for a special exception. If that was the consideration for every time you wanted to put a business in a commercial district, nothing would ever go in. These are all commercial and when you move into a commercial district onto a commercial piece of property with commercial abutters you should expect that the people next door to you may have a commensurate amount of noise on their lots.

Chairwoman Loz agreed but said she would hate to be asked by someone in town if she had looked at the property and say she didn't. It seems unfair if we want to represent the town of Warner efficiently. Howard Kirchner stated he didn't think a site visit is necessary and most people know that area and it doesn't fall within the parameters.

Rick Davies made a MOTION to not do a site visit for this case. Gordon Nolen seconded the motion.

There was discussion regarding the wording of the motion being confusing. Rick withdrew his first motion and made a new MOTION to have a site visit for this case at a time to be determined. Motion was seconded by Gordon Nolen.

Discussion followed with Corey reiterating that he doesn't think it's at all necessary. Rick stated Corey shouldn't be discussing it as he is an alternate and there was a motion on the floor.

A roll call vote was taken with four no's and a yes from Chairwoman Loz.

Rick Davies stated there is one more item we would have to discuss during the deliberation which is on question number 1. He totally understands number 20 on the use table which is amusement and recreation services. Some of his questioning is regarding this and there is a little bit of a grey area, however it might be argued that it's mostly recreation. I think we have to make sure we understand what we're voting on. Rick clarified that is his opinion only and there is no training item on the use table.

Barb Marty stated she understands the retail part of the operation is allowed so we're not discussing that tonight. Corey suggested that if you look at the use table, number 12 which is *Country, hunting, fishing tennis or golf clubs for profit*, that is a permitted use in C-1. If this was a private club it might fall into that category. It's not a club so I would suggest to the board that the nearest closest designation is the one that's been requested here.

Rick said that's implying that if it's okay here, then a public facility that's enclosed might be comparable which Corey agreed with and added that number 20 requires a special exception which provides and affords more protection to the community by having this process than it would simply a permitted use for the fishing club. It's probably the best place to categorize the application.

Chairwoman Loz asked the public if anyone else wished to speak. Ed Mical said as a clarification the owner of the property, Richard George, is present. Mr. George said he has nothing else to add and he is not a resident of Warner.

Chairwoman Loz asked Mr. Miller if he had anything else to say.

Mr. Miller: I believe I touched on all the major points and if there are no questions the board has I think I've said my piece.

c. Close Public Hearing and reopen Meeting

Chairwoman Loz closed the public hearing at 8:29 and asked the board if they had any comments or motions to make.

d. Approve/Deny, or Continue Meeting/Public Hearing

Rick Davies noted he had a draft if the board wanted to start with that. Chairwoman Loz said her biggest point is it could be an outside range but it's indoors so therefore doesn't think the noise is an issue. Gordon Nolen stated he knows a lot about construction and from the description of the building Mr. Miller is proposing, its way overkill as far as sound is concerned. He said he has zero concern about sound from an abutter's standpoint. Beverly Howe said she feels the same way and also the fact that none of the abutters bothered to come and they are the one who would be impacted by the sound.

Corey Giroux pointed out that, with respect to the sound, that's another issue that the Planning Board can take up at the site review. They can impose restrictions for decibels emitting from the building and can require the applicant to provide studies of similar facilities. That is ordinarily within the purview of the Planning Board which will have to approve the site application on some level.

Howard Kirchner noted there is great support from the community for this and he agrees there is some degree of need in Warner and the surrounding towns. It's an asset to the community and to our tax base and is well planned and well designed. There was a concern about vibration but MadgeTech will get more vibration from the trucks on the interstate than they will from somebody shooting in this building.

Rick said he is writing down a few of the facts such as: through testimony and presentation of the facility there will be extensive sound and air quality controls, training at the ranges will be similar to individuals use, activities are all indoors out of view with no activities located outside, definition of amusement and recreation is not defined in the Zoning Ordinance. He noted the draft he has is for approval and read it through as follows with the board discussing the draft and making a few minor changes as it was read.

Notice of Decision

Date of Decision: March 8, 2016

Case: ZBA 2017-01

Property Location: Tax Map 3, Lot 33; 393 Warner Road, Warner NH 03278

You are hereby Notified the appeal of Dragon fly Holdings, LLC, (Applicant) for a Special Exception regarding Warner Zoning Ordinance Article XI Section B for Retail and Services item #20 (Other Amusement and Recreation Service, Indoor), has been approved, by a [redacted] vote of the Zoning Board of Adjustment (ZBA) following a Public Hearing, for the requirements/reasons/facts listed below:

Requirements:

1. *The ZBA has interpreted that the Use is identified in the Zoning Ordinance as one which may be approved by the ZBA for the C-1 Commercial District by Special Exception.*
2. *The Board finds the use desirable to the public convenience or welfare.*
3. *The Board finds the use will not impair the integrity and character of the district and will not be detrimental to the health, morals, or welfare.*
4. *The use is not located in the OC-1 or OR-1 Zoning District.*
5. *Condition of approval:*
 - a. *The facility shall have as a minimum sound controls, environmental air filters, and wall/ceiling construction per the information received on February 16, 2017.*
 - b. *No activities related to the range take place outside the building.*

Reasons/Facts Supporting the Approval/Denial:

1. *Facility will have extensive sound and air quality controls*

2. *Training at the ranges would be similar to individual's use*
3. *Activities are all indoors out of view. No activities are located outside.*
4. *Definition of Amusement and Recreation is not defined in the Zoning.*

The board continued discussion of the draft. Beverley Howe pointed out the facility will also be used for instruction with Rick making the point that what we're trying to do is point back at the use table. Chairwoman Loz stated the applicant, when they filled out their application; they explained how it fit into that definition quite well. Rick mentioned the SIC code is a good definition and a reference and he hasn't found a more consistent one anywhere else.

Barb asked if we would need to mention that it is going to be a retail store. Rick replied that what happens with the special exception, if approved, is that it changes the zoning ordinance from a maybe/maybe not to a permitted use for this situation. The retail store is already permitted.

Corey Giroux stated the other thing he would point out to satisfy Rick on that is if you look at the table of uses with respect to retail and services which is what we're looking at, there are a variety of other uses on there including clubs and other offices and things of the like. If you focus on the other amusements which ostensibly, other is meant to capture all of the other things that aren't listed here. There are three others, 19 refers to other amusements including camping groups, 19-a says other amusement recreation services excluding outdoor camping groups and the last one 20, is sort of a catchall with other amusement recreation service indoor which is what we have. I would suggest if this fits anywhere on this table it has to fit here based on the categories we have and excluding the other categories where it doesn't fit.

Rick asked Corey if he thought any of that language needs to be added here or is having that in the testimony in the permanent minutes okay. Corey replied he felt that having it in the minutes was sufficient and what he drafted sounds perfect.

Rick Davies made a MOTION that the following will be a decision to be voted on.

You are hereby Notified the appeal of Dragon fly Holdings, LLC, (Applicant) for a Special Exception regarding Warner Zoning Ordinance Article XI Section B for Retail and Services item #20 (Other Amusement and Recreation Service, Indoor), has been approved, by a vote of the Zoning Board of Adjustment (ZBA) following a Public Hearing, for the requirements/reasons/facts listed below:

Requirements:

1. The ZBA has interpreted that the Use is identified in the Zoning Ordinance as one which may be approved by the ZBA for the C-1 Commercial District by Special Exception.
2. The Board finds the use desirable to the public convenience or welfare.
3. The Board finds the use will not impair the integrity and character of the district and will not be detrimental to the health, morals, or welfare.
4. The use is not located in the OC-1 or OR-1 Zoning District.
5. Conditions of approval:
 - a. The facility shall have as a minimum sound controls, environmental air filters, and wall/ceiling construction per the information received on February 16, 2017.
 - b. No activities related to the range are to take place outside the building.

Reasons/Facts Supporting the Approval:

1. The facility will have extensive sound and air quality controls
2. The training at the ranges would be similar to individual's use
3. Activities are all indoors out of view. No activities are located outside.
4. Definition of Amusement and Recreation is not defined in the Zoning Ordinance but per testimony this is mainly a recreational activity.

Gordon Nolen seconded Rick's motion. There was no further discussion and the board took a roll call vote with the result of 5-0-0.

Chairwoman noted the special exception has been granted and any aggrieved party has the right to appeal the decision made by the Zoning Board of Adjustments. The appeal must be made within 30 days of the decision and the appeal will be granted if it can show that the decision was indeed made in error.

5. UNFINISHED BUSINESS

Attendance Clause for Rules of Procedure – First Reading

Chairman Loz brought this document to the board for a first reading and noted it is on page 4 of the Rules of Procedure. The section being reviewed is as follows:

III ATTENDANCE

1. *A member or alternate member will provide advance notice to the Chairman of the ZBA or the Land Use Secretary if he/she is to be absent from a scheduled and noticed meeting.*
2. *If a member of alternate member is absent from three meetings in a 12 month calendar year, without requesting a leave of absence, then the Selectmen shall be notified so they may request a resignation or replacement of that member pursuant to RSA 673:13. A leave of absence can be requested by a member or alternate member and will need to be approved by the Chairman of the ZBA.*

Chairwoman Loz questioned whether the board needs to make a motion on a reading. Rick Davies noted it's one of those things where you can ask for a motion and if no one does then you declare it read and move on. Chairwoman Loz asked for comments or a motion. Rick stated he had circled item number 2 where it says *notified so they may request a resignation or replacement of that member* and said there is a whole procedure pursuant to RSA 673 so it might make sense to cross off *so they may request* as you don't request a resignation. If you've gotten to that point, there probably has already been a request for resignation.

The board discussed this phrase that it clarifies it so there are no questions, that a resignation doesn't have to be requested and that the Selectmen can do whatever they want. After further discussion it was decided to leave that part of the document as is but to change the last sentence which begins *A leave of absence can be requested* to *a leave of absence may be requested*.

Corey Giroux suggested changing the rest of the sentence which reads *will need to be approved by the Chairman of the ZBA* to *is subject to approval by the Chairman of the ZBA*. He explained his reasoning is that what it says now suggests that it's heading along the lines of mandatory rather than permissive and the chairperson has the right to say no. Chairwoman Loz agreed that it made sense to make the change and that since they are making that change they will change *can* to *may* as Rick had suggested for item number 2.

It was noted that this is not the first reading as the board has made changes, the revisions will be made and the first reading will be held at the next ZBA meeting.

6. COMMUNICATION AND MISCELLANEOUS

Chairwoman Loz stated that the annual meeting is next month and asked board members to bring anything they want to change in the Rules of Procedure or anything to be worked on this next year to the meeting.

She also noted if anyone wants to put themselves up for Chair or Vice Chair next month to feel free to do that. She encouraged other people to be Chair and get that experience.

Chairwoman Loz said as far as reappointments to the board she wanted to say that Corey, Gordon, and she are being reappointed and Andy has decided not to be reappointed. Someone will need to be moved up to the full board member position. The Land Use Secretary will find out who is up next and they will be

appointed by the Selectman as will the members being reappointed. Chairwoman Loz said she believes Beverley Howe will be the next alternate to go full board.

Rick stated that for clarity he is fine with Beverley. She and Corey Giroux were approved at the same time. Lois said she hasn't had a chance to check on it but will before the next meeting.

Rick Davies said something he has pointed out twice to Selectmen in the past 6 years is that they are out of sync with their appointment process. Per RSA 673:5 paragraph 2, if there is a board of five members, two appointments are made annually. There are three appointments this year for the board and it got out of sync 6 years ago. Rick said it really should be taken care of, it doesn't pertain to alternates but there are 3 up for reconsideration this year. Howard clarified there would still be 3 appointments but one would be for a shorter term.

Rick continued that the other thing is that in the Zoning Ordinance, Article XVII it calls for a Board of Adjustment. We're never given paperwork for the Board of Adjustment we're given paperwork as the Zoning Board of Adjustment. The Board of Adjustment is made up of the two pieces which I've gone through before. Having read the building code which would be the other part which the Board of Adjustment would be in charge of, there are items on the building code that aren't related to the really thick books that the state puts together. They are specific to the town of Warner.

For instance, there's an item in there that says a dwelling unit must be 500 square feet or bigger. What if someone has questions with that or wants some relief from that. You would then have a Building Code of Adjustment dealing with that and there a few other things in there too that are Warner specific. Rick continued, he thinks the Selectman should make a vote that we don't ever have a Building Code of Adjustment Board. Then the Zoning Board should put forth to the voters to take that out and leave it the Zoning Board of Adjustment in the zoning ordinance.

Rick stated he would follow up on this and if the board doesn't want to have the Chairwoman follow up he will do it as an individual. I would rather have the board follow up on it and I can write a letter and sign it saying I was given permission on behalf of the board. Chairwoman Loz said that sounds reasonable to her. Rick said he would write the letter and give it to Lois to have her deliver it. The board was in agreement with this.

Rick mentioned the OEP Conference and the first item on making decision with Christine Philmore and stated she is excellent presenter. Chairwoman Loz said people should try to go to these conferences at the very least once in your three year term if you're not a lawyer who gets updated on them on a regular basis.

7. ADJOURN

MOTION to adjourn was made by Howard Kirchner, seconded by Gordon Nolen. A voice vote was taken with all in favor 5-0-0. The meeting was adjourned at 9:05 p.m.