

TOWN OF WARNER

Board of Selectmen
Clyde Carson, Chairman
Jonathan Lord
Sam Bower



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Town Administrator
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February 16, 2021

Board of Selectmen

Tuesday, 6:30 pm

APPROVED - Work Session Minutes

No physical location for this meeting; it was conducted via Zoom.

1. OPEN MEETING/ PREAMBLE/ ROLL CALL

At 6:30 p.m., Chairman Clyde Carson called the meeting to order and made this statement:

“As Chair of the Board of Selectmen, I am recognizing that an emergency exists and I’m invoking the provisions of RSA 91-A: 2,III (b). Federal, State and local officials have determined that large gatherings people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is essential to the continued operation of the Town of Warner government and services which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location. At this time, I also welcome members of the public accessing this meeting remotely Even though this meeting is being conducted in an unusual manner and under unusual circumstances, the usual rules of conduct and decorum will apply. Please note that all votes taken during this meeting will be by roll call vote.”

ROLL CALL: Clyde Carson (Chairman), 1 other in residence; Jonathan Lord, alone; Sam Bower, 3 others in residence

Also present: Diane Ricciardelli, Town Administrator, Judy Newman-Rogers, Administrative Assistant to the Selectboard

Chair Carson said he would open the meeting and then go into non-public session.

Chair Carson moved to enter into non-public session per RSA 91-A:3 II (d) to discuss the sale of property. Jonathan Lord seconded the motion.

Roll Call Vote: Carson- Yes Lord – Yes Bower – Yes Motion passed.

The Selectmen came out from non-public session at 7:00pm.

1. Economic Development Advisory Committee (EDAC) Update

Chair Carson said Charlie Albano, Chair of the Economic Development Advisory Committee (EDAC) was present to give an update on the committee. Charlie said he submitted an agenda to the board for their reference. It showed what the following night’s meeting would entail. The committee has been working

on the mural for the old Cricenti's building which is coming along nicely. They are in the final stages of purchasing materials for the muralist and all money raised for this are from a grant and the Historical Society. Because of Covid, the Governor isn't releasing all the money yet. They are waiting for 40% of the \$3,700 grant.

Charlie said this project has been going on for about a year. There will be 20 panels hung on the side of "The Local" restaurant building which cost about \$1,000. The paint will be about \$800. The muralist is highly known in the arts community and the materials are high quality and will last through all weather conditions. It will be a celebration of the 250th town anniversary. This is to celebrate art and the town's history, but also to attract people to the town to see the mural and spend money in the town. It is an economic/community art project.

The muralist will have an extra panel or two to be used with Simmons Elementary School to teach the kids about art in the community.

Charlie said the second item on the agenda is to discuss the Center for World Development; they use digital economy to promote world development. A small subcommittee will be put together to study the town's website. They are going to take a look at what they currently have and see if there are any suggestions to make it better.

A discussion has begun in relation to the community center building which is not being fully utilized. There have been citizen walk-throughs. A basic floor plan has been created and there are future details to come. In discussion on how the building could be used, it was thought to determine if an elevator could be installed and how much it would be. Anthony Mento has provided an estimate for a four-stage elevator. The reason they are doing this is to try to see what it would take to make the building more useful. They are just looking at cost estimates at this point.

Chair Carson said having the building being ADA compliant is really critical. They are relocating the CAP office at the parking lot level so they could be ADA compliant. Neil Nevins was there as part of the committee thinking about the variety of potential uses for the building. Neil said the Economic Development Committee remains committed to the building being in service to the community. They have developed a wonderful relationship with the USDA and the Community Development Finance Authority. This bodes well with them getting future grants. They are exploring these opportunities. There are grants available for upgrades for community facilities, energy improvements, and making a building ADA compliant (elevator).

There were no questions from the Selectmen.

Ed Mical said the Head Start program is in that building five days a week. Will this continue? Neil and Charlie said it would. There is enough room for multiple uses of this property. Nothing is being taken out, the building is just being looked at on how it can be most efficiently used.

Chair Carson thanked Charlie and Neil for coming to the meeting to share what they've been working on.

2. Bill Dragon – ATV Club

Bill had sent a letter to the Selectmen asking to reopen sections of Class VI highways for ATV traffic. Bill said that a connecting road that was approved for ATV use has been closed. He was there on behalf of some who have made complaints about this. It is a connector section that joins the ATV clubs that the snowmobile club also uses. He would like to get access granted again if possible.

Chair Carson said that in 2018 there was a hearing on this. The concern they had was a resident wanted an exception to use this area to access their property. They didn't want to make exceptions for one, as further exceptions would follow for others. Also, this access may provide for passage into the Mink Hills,

which they would like to reduce. Jonathan said the trail is not in the 2010 ATV Agreement that is approved, but it is on the 2011 agreement. Bill said that at some point in there, access was granted. When questioned again in 2018, it was suggested to go back to what had originally been approved in 2010, which did not provide access to this area.

Chair Carson said back in October, he noted to the resident who questioned this that there was a Mink Hills Recreation Activity Committee that is looking at this kind of use of the area. He recognized Bill as a member of the committee. Bill said this change would not affect any residents of the area. Rebecca Courser said that the trail is 6,000' from the entrance going down from the Crossroads over to the corner by Sisco. There is a cluster of residents at the start of the 6,000'. This would cause a noise disturbance. Rebecca added that as they come to the town of Warner and take a right onto Wiggins Trace, a few hundred feet up from there, is a very large wetland, part of which goes over the Class VI road. She is worried about traffic in that area. Once ATV's get there, they like to access the road that goes to Cunningham Pond that goes through this wetland. From route 114 to the Wiggins Trace intersection is the Town of Henniker. Is ATV use allowed on that road? Bill said he believes so. Rebecca asked if, at the town of Warner line, is there a sign that says no ATV's? Bill said he assumed so. He wasn't looking at that corner of access so he didn't ask that signs be put up. Chair Carson said it wasn't the ATV club's job to put the signs up, the Town of Warner did that.

Rebecca said the people who live in this area are still impacted by noise. She realizes they want a little section opened in Warner that will connect the trails, but it is going to get a fair amount of usage she believes. It is something for the Selectmen to consider.

Nancy Martin said she spoke with the neighbors on Schoolhouse Lane. They said their lives have improved dramatically since the ATV access was closed, especially at Wiggins Trace. They were upset to hear that the town was looking into opening up the trail again.

Jonathan said he would like to see the 2010 report. Chair Carson said it is a map which shows the parts. Bret showed the map from his screen. It showed a 2010 compromise that avoided this connector. The extensions to the 2010 map were added in 2013.

Chair Carson commented that the Select Board won't make any changes without holding a public hearing on the subject. Also, this is a subject being taken up as part of the Mink Hills Recreation Activity Study Committee and this should be part of their conversation. He suggested to Mr. Lux (sp) about other ways to access the class VI road when he had come to the Selectmen in October about this.

Sam Bower said he would like to see the map in person and keep the trail access as is for now. They could have some more public input later.

3. Barn Preservation – Request for Discretionary Preservation Easement from the Nick and Katherine Clark, 278 Kearsarge Mountain Road

Chair Carson said they have received a lot of useful information about the preservation easement for the barn. This is something the statutes allow towns to do to help preserve historically significant barns across the state. The tax assessment value is frozen at a certain rate to allow the owners to restore the buildings over a 10-year time span. There is a process the Selectmen go through to make a determination. The statute allows them to abate 25% - 75% of the value. There is a score sheet used and they rate it on scenic value, importance, age and condition. After walking through the barn and getting the information from the owners, the average score on the sheets will be taken. The statute requires a public hearing before they make a determination. Chair Carson asked if there were any questions.

Chair Carson said Rebecca Courser was part of a committee on barn preservation, which went around and found historical information on the town's barns. Rebecca said she could access and provide this report to the Selectmen.

Chair Carson said he would like to visit the barn with the other Selectmen before the next Selectmen's meeting. It was determined that the following Saturday they would meet. It would be a posted meeting, as all three Selectmen would be in attendance. All attending would be wearing masks and be socially distanced. Then there will be a posted public hearing on March 2nd to determine where they will go with the preservation.

4. Pumpkin Blossom Farm Discussion

Chair Carson said there have been complaints about activities at the farm from residents in that area. The Board has been asked to take some action on it. In 2016 the farm asked the Zoning Board for a special exception to hold certain activities, which was denied. Somewhere along the way, the State's statutes changed and it was determined that agri-tourism be allowed where agriculture is allowed. The question is whether or not the activities at the farm are covered by this new statute. The Town has adopted the State's statute by default. Agri-tourism is allowed but is subject to regulations of the town and site plan review is required. The Select Board has advised the owners of the farm to come before the Planning Board to discuss activities being held.

Chair Carson opened the floor to anyone who had comments on this subject.

Laura Hartz is an attorney and represents the neighbors who are concerned about the activities at the farm. She is relieved to hear that the complaints are being taken seriously. The issues are that agri-tourism is permitted but still has to be an incidental and accessory use to the functions of the farm. The other issue is that their understanding of the activities is that they were happening before the change in the statute. The Zoning Board denied the special exception, then the law changed, and then the farm owners established a small aspect of agriculture. The issue is a timing one. There needs to be an equal upholding of the law.

Pumpkin Blossom Farm owner, Michael Biagiotti said there is a lot of misinformation going on. In 2016 they did go in front of the Zoning Board for a special exception. There was one existing already on the property. They were seeking the exception for the barn. This was approved and then denied. They are actually the largest lavender farm in NH. They are a commercial working farm and it is what their family business is. As it relates to agri-tourism, they are doing very little. If they were to believe the misinformation that is flowing from those who persist on this issue, one would think that they put a few plants in the field to masquerade as a farm. They are actually a farm and that is their primary business. If there are complaints about traffic, they can address it. None of this had anything to do with agri-tourism. They had a good year last year and the town benefited as well. They are a new family business and one of the few lavender farms in the northeast. They will have 6,000 plants in the spring. He would ask that people come to the source before making any judgments.

Jonathan asked if anything has changed since 2016 needing them to go to the Planning Board? Chair Carson said that since the farm is advertising agri-tourism activities, they should have a site plan review with the Planning Board. The intention is to have a safe venue for the public to go there.

Ms. Hartz said a site plan is required by statute and Town's zoning regulations, when the farm activities change or increase. She is happy to hear that the owner of the farm is asking for people to come to him to discuss any issues.

Shawn and Suzanne Bohman asked if all farms have to go through site plan review now? Chair Carson said they did not. Site plan review is only required if the agricultural uses change to include agri-tourism. This is mostly to address public safety issues.

Pumpkin Blossom Farm owner said he hears the trigger in this to be in the new statute. He had heard that all new businesses had to come before the Planning Board. He said when they came before the Zoning Board, they were personally affected and his wife was physically assaulted. He would like everyone to be held to the same standards, but feels they are being singled out to a degree. He said they only want to be treated fairly.

Chair Carson closed the topic for that evening, as there were no further comments from the public or the board.

5. Town Report Update

Judy said they are still missing a few reports from some of the committees. They are going to print the end of the week. The financials are in, so the budget and revenues are completed. Diane said she is still working on the dedication and will forward it to the Selectmen for review. The Selectmen still have to determine the cover photo before Friday. It is being laid out, printed and mailed by R. C. Brayshaw Printing.

6. New Business

a. *Waivers for Properties due to Covid.* Judy Newman-Rogers said there are five of the properties outstanding that had waivers. Letters have been sent out for owed taxes for 2016 and 2017. There has been no response in the past from these owners and is asking if the Selectmen need to take stronger action. Can payments be made? The letters aren't working.

Chair Carson suggested sending the letters out certified from the Selectboard to make sure they know people received them. There were some mortgage foreclosure/eviction extensions due to Covid. He would like to know these details. He offered that the letters should ask the individual to contact the town and invite them to come talk to the Selectmen about their situation and see what can be done. Diane offered to follow up with a phone call with these individuals. Sam thought the phone call could be done after the letter.

Martha Mical said they need to be careful to not appear to be harassing an individual. Chair Carson said this is a good thing to keep in mind. Their intention is not to harass but to encourage communication. Judy said she would draft a letter for the board to review.

b. *Waiver of Interest for Current Use Penalty.* Originally, the applicant didn't know why she was being charged a Current Use Penalty but after being informed, paid the fine. She is asking for abatement on the interest that had accrued.

It was moved by Clyde Carson and Seconded by Jonathan Lord to abate \$112.44, the accrued interest for map 19, lot 14, as discussed previously at a Selectmen's meeting, with the understanding that the payment was made by the deadline suggested by the Selectmen.

All Selectmen voted in the affirmative. The motion passed.

7. Town Administrator's Report

Diane said they are moving towards the next step in the Transportation Alternative Program (TAP) grant for the multi-use path (not sidewalk). There will be a meeting next Thursday to discuss the application which she and Tim Allen are working on. Chair Carson said they are one of 42 applicants for about \$30 million dollars in grant money.

Diane said the budget and the warrant are all set to be signed. She asked the Selectmen to stop by and sign it so they can post it by the 22nd.

8. Public Comments

There were none.

9. Consent Agendas

Jonathan Lord read:

Previously signed by the Warner Board of Selectmen:

1. Building permits for: Map 08 Lot 006-113LAT
 Map 31 Lot 054
2. Intents to cut: Map 13 Lot 006
 Map 18 Lot 001
 Map 04 Lot 007
3. A request that the Trustees of Trust Funds pay to the town \$15,498.00 from the Fire Equipment Capital Reserve Fund for the purchase of 3 portable radios and accessories.

It was moved by Jonathan Lord and seconded by Sam Bower to approve these requests as listed above.

All Selectmen voted in the affirmative. The motion passed.

10. Approval of Minutes

It was moved by Clyde Carson and seconded by Jonathan Lord to approve the minutes of January 5, 12, 19, February 2, December 31st.

All Selectmen voted in the affirmative. The motion passed.

11. Other

At 8:32pm, Chair Carson moved to enter non-public under RSA: 91A:3,II(e) to discuss a legal issue. Jonathan Lord seconded the motion.

All Selectmen voted in the affirmative. The motion passed.

At 8:50pm, the Selectmen returned from non-public session.

It was moved by Clyde Carson and seconded by Jonathan Lord to seal the non-public session minutes for 24 months.

All Selectmen voted in the affirmative. The motion passed.

Chair Carson adjourned the meeting at 8:51pm.

Respectfully submitted,

Kristy Heath, Recording Secretary

Town of Warner