

TOWN WARRANT
For the Town of Warner
The State of New Hampshire

TUESDAY, MARCH 10, 2009
8:00 A.M. To 7:00 P.M.
WARNER TOWN HALL

TO THE INHABITANTS OF THE TOWN OF WARNER, IN THE COUNTY OF MERRIMACK,
IN SAID STATE, QUALIFIED TO VOTE IN TOWN AFFAIRS:

You are hereby notified to meet at the Warner Town Hall in said Warner, NH on Tuesday, March 10, 2009 beginning at eight o'clock in the morning, and ending at seven o'clock in the evening to elect officers of the Town by official ballot and to act upon the following subjects:

Article 1

To choose Town Officers for the ensuing year.

Article 2

Are you in favor of the adoption of Amendment No. 1, as proposed by the Town of Warner Planning Board to the Floodplain Development Ordinance, in order to continue to comply with the National Flood Insurance Program, as follows: (NOTE: All additions are underlined and deleted items are crossed out.)

Amend Item VII, Flood Elevation Determination, Floodproofing Standards, paragraph 2. by inserting Zone A and paragraph 2.(a) by removing Zone A as follows:

2. The Code Enforcement Officer/Building Inspector's 100 year flood elevation determination will be used as criteria for requiring in zones A and AE that:
 - (a.) All new construction or substantial improvement of residential structures ~~in Zone A~~ have the lowest floor (including basement) elevated to or above the 100 year flood elevation

Article 3

Are you in favor of the adoption of Amendment No. 2, as proposed by the Town of Warner Planning Board to the Zoning Ordinance as follows: (NOTE: All additions are underlined and deleted items are crossed out.)

Amend Article III, Definitions, to change the definition of Building as follows:

"Building" means any combination of materials ~~having a roof and enclosed exterior walls, fixed to the land, and~~ constructed for the shelter of persons, animals or property and is not temporary in nature. *[Amended March 1999]*

Article 4

Are you in favor of the adoption of Amendment No. 3, as proposed by the Town of Warner Planning Board to amend the Zoning Ordinance to change the following references to

“building” to read “building or structure”? (NOTE: All additions are underlined and deleted items are crossed out.)

See Article III Definitions

"Accessory building or structure" means a detached building or structure, the use of which is customarily incidental and subordinate to that of the principal building or structure, and which is located on the same lot as that occupied by the principal building or structure.

"Front yard" means a space extending for the full width of a lot between the extreme front line of a building or structure and the nearest side of the public right of way.

"Open space" means the portion of a lot upon which no buildings, structures, parking lots, or roads are located.

See Article V Village Residential District R-1

C. Frontage, lot, and yard requirements:

2. Yard requirements: No building or structure shall be located nearer than fifteen (15) feet to an abutter's property line and thirty (30) feet from the edge of a public right of way.

See Article VI Medium Density Residential District R-2

C. Frontage, lot, and yard requirements:

1. Lots created by Minor Subdivision shall be subject to the following requirements: . . .
- b. Yard requirements: No building or structure shall be located nearer than twenty five (25) feet to an abutter's property line and forty (40) feet from the edge of any public right of way, except, if a building or structure currently exists on the property and is closer to the abutter's property line or public right-of-way (as described above in yard requirements) an addition may be added to any present building or structure as long as the new construction is no closer to the abutter's property line or public right-of-way than the present construction.

See Article VII Low Density Residential District R-3

C. Frontage, lot, and yard requirements:

1. Lots created by Minor Subdivision shall be subject to the following requirements: . . .
- b. Yard requirements: No building or structure shall be located nearer than forty (40) feet from an abutter's property line and fifty (50) feet from the edge of any public right of way.

See Article VIII Open Conservation District OC-1

C. Frontage, lot, and yard requirements:

1. Lots created by Minor Subdivision shall be subject to the following requirements: . . .
- b. Yard requirements: No building or structure shall be located nearer than fifty (50) feet from an abutter's property line and fifty (50) feet from the edge of any public right of way.

See Article IX Open Recreation District OR-1

C. Frontage, lot, and yard requirements:

1. Lots created by Minor Subdivision shall be subject to the following requirements: . . .
 - b. Yard requirements: No building or structure shall be located nearer than one hundred (100) feet from an abutter's property line and fifty (50) feet from the edge of any public right of way.

See Article X Business District B-1

C. Frontage, lot, and yard requirements: . . .

2. Yard requirements: No building or structure shall be located nearer than fifteen (15) feet from an abutter's property line and thirty (30) feet from the edge of any public right of way.

D. Architectural requirements:

1. Exteriors of buildings or structures in this district are to be styled architecturally as to not detract from the general existing style of the district nor to be greatly at variance thereto.

See Article XI Commercial District C-1

. . . Restrictions on building or structure height and lot coverage, coupled with careful review of both site and architectural elements during site plan review, is intended to promote a scale and quality of development compatible with the rural character of the community.

C. Frontage, lot, and yard requirements:

1. Lots developed for commercial purposes: . . .
 - b. Yard requirements: No building or structure shall be located nearer than twenty-five (25) feet from an abutter's property line and forty (40) feet from the edge of any public right of way.

See Article XIV Open Space Development

A. Purpose: . . . Specific objectives as follows:

5. To encourage development that is consistent with Warner's historic land use patterns of village-like areas where buildings or structures and residences are grouped, surrounded by areas of open space used for agriculture, forestry, recreation, and similar purposes.

Article 5

Are you in favor of the adoption of Amendment No. 4, as proposed by the Town of Warner Planning Board to the Zoning Ordinance as follows: (NOTE: All additions are underlined and deleted items are crossed out.)

Amend Article XIV, Open Space Development, paragraph B.1.c to change 12 to 15 acres, as follows:

B. Applicability. This Article shall apply to all building lots created by Major Subdivision in the R-2, R-3, OC-1 and OR-1 zones after the date of adoption of this Article.

1. Exceptions: . . .

- c. In the OC-1 Zone, this article shall not apply to subdivisions in which all lots in the completed subdivision have a minimum lot size of ~~twelve (12)~~ fifteen (15) acres. Such subdivisions shall be subject to the frontage, minimum Buildable Area, and yard requirements specified in Article VII-C-1 of this Ordinance. Any lots created under this exception shall be prohibited from further subdivision.

Article 6

Are you in favor of the adoption of Amendment No. 5, as proposed by the Town of Warner Planning Board to the Zoning Ordinance as follows: (NOTE: All additions are underlined and deleted items are crossed out.)

Amend Article XIV, Open Space Development, paragraph B.1.d to change 15 to 20 acres, to agree with the table following, as follows:

- d. In the OR-1 Zone, this article shall not apply to subdivisions in which all lots in the completed subdivision have a minimum lot size of ~~fifteen (15)~~ twenty (20) acres. Such subdivisions shall be subject to the frontage, minimum Buildable Area, and yard requirements specified in Article IX-C-1 of this Ordinance. Any lots created under this exception shall be prohibited from further subdivision.

Article 7

Are you in favor of the adoption of Amendment No. 6, as proposed by the Town of Warner Planning Board to the Zoning Ordinance as follows: (NOTE: All additions are underlined and deleted items are crossed out.)

Amend Article XIV, Open Space Development, paragraph C. to amend the Open Space Table so that the minimum parcel area before subdivision acreage for the OC-1 Zone is 15 acres in order to comply with the wording in paragraph B.1.c. as follows:

C. Density and Dimensional Standards. The following density and dimensional standards shall apply to residential development that is subject to this Article.

OPEN SPACE ZONING DENSITY AND DIMENSIONAL STANDARDS

Zone	R-2	R-3	OC-1	OR-1
Minimum Parcel Area before Subdivision (acres)	12	12	20 <u>15</u>	20

Article 8

Are you in favor of the adoption of Amendment No. 7, as proposed by the Town of Warner Planning Board to amend the Building Code Ordinance as follows: (NOTE: All additions are underlined and deleted items are crossed out.)

TOWN OF WARNER, NEW HAMPSHIRE

BUILDING CODE ORDINANCE

As revised following first public hearing
January 6, 1969, and as amended March 13, 1979, March 8, 1983,
March 11, 1986 March 12, 2002, March 9, 2004 and March 13, 2007.

For the protection and direction of the location and construction of buildings and structures in the Town of Warner, New Hampshire.

ARTICLE I

This ordinance is established and governed by the laws of the State of New Hampshire, specifically, the applicable sections of Chapter 673 through 677, Chapter 155-A, New Hampshire Revised Statutes Annotated and as amended by future laws of New Hampshire.

ARTICLE II

~~A. No building or structure to be used as a dwelling or for commercial purposes shall hereafter be constructed, moved or altered except in conformity with the regulations specified for the zone in which such property is situated. Any exterior construction shall be done with a permit to be issued by the Board of Selectpersons or the Building Inspector. Normal repairs, restoration or improvement, interior or exterior, which do not alter the principal use of a building, shall not be deemed to require a building permit unless that building is located within a "Special Flood Hazard Area" as defined in the Floodplain Ordinance. After issuance of the building permit, construction must be commenced within six months and the exterior completed within two years, except that said Board may extend the time upon application.~~

A. The Town of Warner adopts and enforces the State Building Code RSA 155-A as it may be amended in accordance with RSA 674:51 which: authorizes and gives authority to the Local Enforcement Agency to issue building permits and certificates of occupancy; authorizes the Board of Selectmen to establish fees for building permits, certificates of occupancy and building inspection; and authorizes the Zoning Board of Adjustment to act as the Building Code Board of Appeals.

1. Use permit: No A Certificate of Zoning Compliance must be issued prior to the application for a permit for the erection, exterior alteration, moving or repair of any building or structure, shall be issued until an application has been made for the Certificate of Zoning Compliance, and the certificate shall conform to the provisions of this ordinance upon completion.
2. After issuance of the building permit, construction must be commenced within six months and the exterior completed within two years, except that the Board of Selectmen may extend the time upon application.
3. Certificate of occupancy shall be issued by the Building Inspector prior to occupancy.
4. The following items are listed in the New Hampshire State Building Code as work exempt from requiring a permit, but are not exempt in Warner:

- a. Buildings and structures over 36 square feet are not exempt
- b. Oil derricks are not exempt
- c. Water tanks supported directly above grade are not exempt
- d. Sidewalks and driveways are exempt as stated; however, a driveway permit is required from the Town or State.

B. No permit shall be granted unless the builder ~~will~~ meets the following requirements:

1. Every dwelling shall have a minimum of two (2) easily accessible exits, windows excluded; exits shall provide alternate means of escape. Any building to be erected or altered for use as rented apartments shall have a minimum of two (2) readily accessible points of egress, remote from each other, exits, windows excluded, from each apartment. ~~exits shall provide alternate means of escape.~~
 - a. 2. Manufactured housing must meet the federal minimum property standards for single-family dwellings and the most recent revision of the mobile home construction safety standards as published by the Department of Housing and Urban Development. ~~(Amended March 2007).~~
 - ~~2.~~ ~~Chimneys shall be constructed of stone, brick, cement or cinderblocks from the ground upward and shall be internally lined with tile. Any other (non-standard) chimney construction shall be permitted if approved by the National Fire Protection Association and the Warner Fire Department.~~
 - ~~3.~~ ~~Thimbles: No wallpaper or other combustible material shall be laid over any thimble or thimble hole in any chimney.~~
 - ~~4.~~ ~~No building of wood or other combustible material shall be erected without providing fire stops at every combustible wall partition, at every floor and between floor joists at partitions.~~
 - ~~5.~~ ~~Dwellings shall be framed according to good building practices and outside walls shall be covered with permanent materials customarily used, such as wood or fire resistant shingles, siding, clapboards, brick, stucco, concrete or cinder blocks. Material customarily painted shall be painted or otherwise finished.~~
 - ~~6.~~ 3. Septic tanks, cesspools, privies or sewage disposal area shall conform to state regulations and regulations adopted by ordinance by the Town of Warner and in the instance the two may conflict, the more restrictive shall apply.
 - a. Change of use of a structure from seasonal to year-round residency shall require ~~and must be able to sustain state approved~~ that the waste disposal system meets state and local regulations. in accordance with the standards then applicable.
7. 4. Every freestanding dwelling unit to be used by a single family shall have at least five hundred (500) square feet of living area on one floor. ~~a minimum ground floor living area of at least five hundred (500) square feet.~~
8. All electrical wiring shall conform to approved methods and practices for safety to life and property. ~~Compliance with the current National Electrical Code as published by the~~

~~National Fire Protection Association shall be prima facie evidence of such approved methods and practices.~~

9. ~~5.~~ Foundations: All buildings or structures shall be set on solid foundations of concrete, concrete blocks or other acceptable materials.
10. ~~6.~~ Building permits shall be issued by the town only to the owner of record of the land to which the permit applies, and shall not be transferable. Where construction is to be carried out by someone other than the permit applicant the name, address and signature of such person shall be required on the permit application. Permits shall be posted conspicuously at the premises where the construction is being carried on. A building permit applicant shall make the premises which are the subject matter of the permit accessible at reasonable times to the Board of Selectmen, or its designated representative, for the purposes of assuring compliance with this code.
11. ~~7.~~ Application for a building permit must be accompanied by a ~~sketch or~~ plan(s) of the proposed construction, movement, or alteration together with a statement from the applicant describing the intended use of any new, moved or altered building. ~~Both~~ All documents shall be retained by the Board of Selectmen.

ARTICLE III

The Board of Selectmen shall appoint a Building Inspector who shall have the authority, in consultation with the Board of Selectmen, to issue building permits and certificates of occupancy.

ARTICLE IV

The Board of Selectmen shall establish an appropriate fee schedule for building permits, building inspection and certificates of occupancy.

ARTICLE III V

~~The Board of Selectmen shall appoint a Board of Adjustment of five members, of whom one may be a member of the Planning Board. Said Board of Adjustment is to serve without compensation. The Zoning Board of Adjustment shall have authority to allow slight variance from the specific terms of this ordinance where it can be shown that unnecessary hardship would otherwise result. The Board of Selectmen shall establish an appropriate fee schedule for building permits.~~

ARTICLE V

~~This ordinance does not affect in any way any dwellings, buildings, trailers or recorded lots that are existing or under construction at the time of its passage.~~

ARTICLE VII VI

Any person aggrieved by a decision of the Board of Selectmen or building inspector made under this ordinance may appeal to the Board of Adjustment, in accordance with applicable sections of Chapter 677 of the New Hampshire Revised Statutes as amended.

ARTICLE VI VII

Any person who violates any provision of this ordinance shall be subject to penalties in accordance with RSA 676:17.

ARTICLE VIII

The invalidity of any provision of this ordinance shall not affect the validity of any other provision.

ARTICLE ~~IV~~ IX

This ordinance may be amended in accordance with applicable sections of Chapter 675 of the New Hampshire Revised Statutes Annotated as amended.

ARTICLE ~~IX~~ X

This ordinance shall take effect immediately upon its passage.

ADJOURN TO WEDNESDAY MARCH 11, 2009 @ 7:00 P.M.

Article 9

Shall the Town raise and appropriate the sum of \$ 2,896,898.00 (Two Million Eight Hundred Ninety Six Thousand Eight Hundred Ninety Eight Dollars) as a 2009 Operating Budget? This amount does not include amounts from any other warrant articles. (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Article 10

Shall the Town establish a Capital Reserve Fund for the purpose of purchasing Police Department Vehicles and to raise and appropriate the sum of \$20,000.00 (Twenty Thousand Dollars) for that purpose and to appoint the Board of Selectmen as agents to expend? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Article 11

Shall the Town raise and appropriate the sum of \$30,000.00 (Thirty Thousand Dollars) to be added to the Conservation Fund in accordance with RSA 36-A:5, III as an additional source of revenue for the purpose of conserving open land in Warner? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Article 12

Shall the Town raise and appropriate the sum of \$200,000.00 (Two Hundred Thousand Dollars) to be added to the already established Highway Road Construction Capital Reserve Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Article 13

Shall the Town raise and appropriate the sum of \$110,000.00 (One Hundred and Ten Thousand Dollars) to be added to the already established Highway Equipment Capital Reserve Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Article 14

Shall the Town raise and appropriate the sum of \$20,000.00 (Twenty Thousand Dollars) to be added to the already established Property Revaluation Capital Reserve Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Article 15

Shall the Town establish a capital reserve fund for the purpose of Exit 9 Improvements and to raise and appropriate the amount of \$5,000.00 (Five Thousand Dollars) for that purpose and to appoint the Board of Selectmen as agents to expend? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Article 16

Shall the Town raise and appropriate the sum of \$65,000.00 (Sixty Five Thousand Dollars) to be added to the already established Transfer Station Acquisition and Improvements Capital Reserve Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Article 17

Shall the Town raise and appropriate the sum of \$50,000.00 (Fifty Thousand Dollars) to be added to the already established Bridge Replacement & Maintenance Capital Reserve Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Article 18

Shall the Town close the Wage Expendable Trust Fund as was opened per Article 10 of the March 11, 2004 Town Meeting and to deposit any balance remaining into the General Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Article 19

Shall the Town close the Police Facility Capital Reserve Fund as was opened per Article 8 of the March 12, 1997 Town Meeting and to deposit any balance remaining into the General Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

Article 20

To see if the Town will vote to elect a Code of Ethics Committee for the Town of Warner. Said Committee shall consist of five members with staggered terms. Two members elected for three years, two members elected for two years, one member elected for one year. No member of the Code of Ethics Committee shall hold any other town elective, volunteer or appointive office, board membership, commission membership or trusteeship. No member of the Code of Ethics Committee shall be employed full- or part-time by the Town or be related to a Town employee, Board or Commission member. The Code of Ethics Committee may look to other towns with which committees in place for guidance of ethics, forms and procedures. It requires of any employee or member of town government, committee or board to appear before it and give such information as it may require in relation to this office, its function and performance. The Code of Ethics Committee shall give at least forty-eight (48) hours written notice of the general scope of the inquiry which is to be made to any

person it shall require to appear before it under this section. The Code of Ethics Committee, for this purpose, may administer oaths and require the production of evidence.

The committee will have the authority to:

1. Elect a Chairperson
2. Set a meeting schedule
3. Develop a Code of Ethics which establishes standards of conduct, for the Town of Warner which will issue guidelines on the appropriate conduct of elected officials, employees and board and commission members and volunteers consistent with the Code of Ethics.
4. Develop an Acknowledgement Form to distributed to everyone affected by the Code
5. Develop Rules of Procedure
6. Develop and Ethics Complaint Form
7. Develop and provide new employee, volunteer and committee member training if necessary
8. Receive sworn complaints, investigate allegations of violations, conflicts of interest and make appropriate findings and Recommendations to the Select Board.
9. If a complaint is made about a member of the Selectboard, the result shall be reported to the Selectboard and _____ and Recommendation for resolution made by the Committee.
10. Investigate any unauthorized release of information
11. Conduct pre hearing inquiries to determine if there is sufficient information to conduct a formal investigation/hearing.
12. Recommend disciplinary action, including but not limited to removal from office and criminal charges. All information received by the Board, that indicates a crime may have been committed will be reported to the appropriate Law Enforce Agency having jurisdiction.

Meetings, complaints and documents shall be public unless specifically prohibited under RSA 91-A. **(By Petition and typed as submitted)**

Article 21

To transact any other business that may legally come before the meeting.

Given under our hands and seal this 17th day of February in the year of our Lord Two Thousand and Nine.

Warner Board of Selectmen

Richard Cook, Chairman

David Hartman, Selectman

David Karrick, Jr., Selectman

A true copy of warrant - Attest

Warner Board of Selectmen

Richard Cook, Chairman

David Hartman, Selectmen

David Karrick, Jr., Selectman

We hereby certify that we gave notice to the inhabitants within named, to meet at time and place and for the purpose within mentioned, by posting up an attested copy of the within named, and a like attested copy at the Town Hall being a public place in said Town on the 17th day of February, 2009.

Warner Board of Selectmen

Richard Cook, Chairman

David Hartman, Selectmen

David Karrick, Jr., Selectman