

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

TUESDAY, MARCH 9, 2010  
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 9, 2010 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 Planning Board to insert Article XIV-A, Workforce Housing Overlay District into the Zoning Ordinance in response to RSA 674:58-61 which mandates Workforce Housing Requirements for all communities? A full version of this Amendment is posted in the Town Hall and was presented at a public hearing.

**REASONING:** If Amendment #1 is not passed, the state law is still in effect and the Planning Board will not have local guidance for implementation. This Amendment responds to a new state law mandate (RSA 674:58-61) to provide reasonable and realistic opportunities for the development of Workforce Housing in a majority of the land area zoned to permit residential uses. The proposed Workforce Housing Overlay District allows for a mix of Workforce Housing types within the B-1, R-1, R-2, and R-3 Districts, as well as parts of the OC-1 District as shown on the Workforce Housing Overlay District Map dated March 9, 2010. The proposed ordinance provides that the Planning Board may approve one or more incentives including a density increase, reduction to lot size, road frontage decreases, reduction in setbacks and open space reduction, and waiver of application fees only if the applicant demonstrates the Town's land use ordinances and regulation induce a cost prohibitive Workforce Housing project.

**Article 3**

Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board by deleting the current Building Code Ordinance as written and inserting thereof the proposed Building Code Ordinance in order to comply with the State Building Code RSA 155-A, other life safety measures, and specific local requirements? A complete version of the proposed Building Code Ordinance is posted in the Town Hall and was presented at a public hearing.

**REASONING:** The purpose of amendment #2 is to bring the existing Building Code in compliance with the State Building Code Chapter 155-A and make house-keeping revisions. By law, the State Code is in currently in effect in Warner. The Town's Building Code refers to Codes and References

that are out of date. The minimum area of a dwelling remains at 500 square feet but is proposed to be the minimum on one level instead of on only the ground level; Warner's egress requirements for 2 egress points were clarified to be remote from each other; the Selectmen were given the responsibility to appoint an Inspector and set fees; and Articles were renumbered as appropriate.

#### **Article 4**

Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board to revise Article XVII, Board of Adjustment Section D Hardship Requirements for a Variance of the Zoning Ordinance in order to comply with State Law RSA 674:33? A complete version of the proposed changes is posted in the Warner Town Hall and was presented at a public hearing.

**REASONING:** The purpose of amendment #3 is to respond to state law which has revised the language for determining "hardship" in cases seeking a variance from zoning ordinances. The law went into effect in January 1, 2010. The RSA consolidates the former "Use" and "Area" variance types of hardships into one "hardship" category. Some of the existing wording in section D was unchanged but was reorganized to be consistent with the State law format.

#### **Article 5**

Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning Board to revise the Zoning Ordinance Article XIV Open Space Development minimum acre requirements as follows?

For District OC-1 change 12 acres in the text to 15 acres and in the corresponding table change 20 acres to 15 acres so they are in agreement. For District OR-1 change 15 acres in the text to 20 acres to be in agreement with the 20 acres amount existing in the corresponding table. Full text of the proposed revisions is posted in the Warner Town Hall and has been presented at a public hearing.

**REASONING:** The purpose of this amendment is to correct typographical errors created when the Town approved the Open Space Development Article in 2005. The revised acreage amounts are consistent with the Planning Boards best understanding of the original intent of the Article. Passage of this Amendment will eliminate confusion of the lot size required prior to implementation of the Open Space Development ordinance.

#### **Article 6**

Are you in favor of the adoption of Amendment No. 5 as proposed by the Planning Board to amend the Zoning Ordinance as follows: This proposed change was presented at a public hearing.

#### **ARTICLE IV – GENERAL PROVISIONS Section I. Height Regulations:**

No structure shall exceed 35 feet in height except 45 feet in height as allowed in C-1 and B-1 Districts unless approved by the Board of Adjustment. The Board .....

**REASONING:** The purpose of amendment #5 to increase the allowable height of structures from 35 feet to 45 feet in Commercial and Business Districts is designed to be less restrictive, while also providing an opportunity for new and additional businesses to locate in Warner. The Fire Department has assured us they are equipped to handle incidents at these heights and they support the amendment.

Under current building codes and under current plan review by Fire Department inspectors adequate fire detection and suppression systems would also be required for new construction and for expansion of existing construction.

#### **Article 7**

Are you in favor of the adoption of Amendment No. 6 as proposed by the Planning Board to amend the Zoning Ordinance as follows? This proposed change was presented at a public hearing.

**ARTICLE X - BUSINESS DISTRICT B-1 Section F:** Change the maximum gross floor area of buildings as permitted in this District and included in TABLE 1 of the use regulations from 2,000 square feet to 4,000 square feet and to read as follows:

The maximum gross floor area shall be 4,000 square feet for new construction as permitted in Table 1 of the Use Regulations. Existing buildings may be expanded to include a total of 4,000 square feet. Adequate parking must be provided.

**REASONING:** The purpose of amendment #6 is to provide for additional business opportunity and growth while maintaining reasonable building sizing and also to help address the parking needs of the B-1 District.

**ADJOURN TO WEDNESDAY MARCH 10, 2010 @ 7:00 P.M.**

#### **Article 8**

Shall the Town raise and appropriate the sum of \$ 2,842,824.00 (Two Million Eight Hundred Forty Two Thousand Eight Hundred Twenty Four Dollars) as a 2010 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 9**

Shall the Town raise and appropriate the sum of \$15,000.00 (Fifteen Thousand Dollars) to add to the already established Police Department Vehicle Capital Reserve Fund? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

#### **Article 10**

Shall the Town raise and appropriate the sum of \$20,000.00 (Twenty 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; 4-4 split vote by the Budget Committee)

#### **Article 11**

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 12**

Shall the Town raise and appropriate the sum of \$50,000.00 (Fifty 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 13**

Shall the Town raise and appropriate the sum of \$30,000.00 (Thirty 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 14**

Shall the Town raise and appropriate the sum of \$5,000.00 (Five Thousand Dollars) to be added to the already existing Exit 9 Improvements 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 installing Dry Hydrants and to raise and appropriate the sum of \$25,000.00 (Twenty Five Thousand Dollars) to be added to that fund 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 \$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 17**

Shall the Town raise and appropriate the sum of \$37,500.00 (Thirty Seven Thousand Five Hundred Dollars) for the purpose of purchasing emergency generator(s)? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

### **Article 18**

Shall the Town raise and appropriate the sum of \$50,000.00 (Fifty Thousand Dollars) for the purpose of Town Hall Roof Repairs? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

### **Article 19**

Shall the Town raise and appropriate the sum of \$376,541.00 (Three Hundred Seventy Six Thousand Five Hundred Forty One Dollars) for the purpose of purchasing a pumper truck for the Fire Department. Of that sum, \$357,713.00 (Three Hundred Fifty Seven Thousand Seven Hundred Thirteen Dollars) to come from a fire grant and to authorize the Board of Selectmen to withdraw \$18,828.00 (Eighteen Thousand Eight Hundred Twenty Eight Dollars) from the Fire/Rescue Vehicle Capital Reserve Fund for the remainder? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

## **Article 20**

If the grant in Article 19 is not received by July 1, 2010, shall the Town vote to authorize the Selectmen to enter into a 15-year lease purchase agreement containing a non-appropriation clause, in the amount of \$376,541.00 (Three Hundred Seventy Six Thousand Five Hundred Forty One Dollars) for the purpose of purchasing a pumper truck for the Fire Department and to raise and appropriate the amount of \$15,860.00 (Fifteen Thousand Eight Hundred Sixty Dollars) for the first six months of payments for that purpose? (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

## **Article 21**

Shall the Town vote to take ownership of and accept responsibility for the care and maintenance of the Pine Grove Cemetery? The Pine Grove Cemetery Trust Fund will be used only for this purpose. (Recommended by the Board of Selectmen; Recommended by the Budget Committee)

## **Article 22**

Shall the Town vote to discontinue completely and absolutely and return to the abutters; a section of the former location of Newmarket Road, namely the following described portion:

Beginning at a point between Lots 19 and 20 where the former location of Newmarket Road meets the present location of Newmarket Road across from the junction of Horne Street; thence proceeding generally westerly along and through Lots 20, 19, 18-4, 18-3, 18-2 and 18 of said former location approximately 1900' to a point known as Lot 18, the point at which the former location meets the present location of Newmarket Road. All lots are on Tax Map 12. (By Petition)

## **Article 23**

Shall the Town vote to change the current Class VI Road Policy in regards to the construction of any structure or placing thereof on any tract of land situated on Class VI Roads to be:

Regulated the same as all other roads in Warner in compliances with all building codes, permits and rules with the following exception:

The property owner shall acknowledge and sign a hold harmless affidavit to be attached to the deed recorded at the Merrimack Registry of Deeds that town road and emergency services will not be provided by the Town until the road is brought up to Class V specifications at the property owners expense. The Town is protected from liability according to NH RSA 674:41, II. (By Petition)

## **Article 24**

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

Given under our hands and seal this 16<sup>th</sup> day of February in the year of our Lord Two Thousand and Ten.

### **Warner Board of Selectmen**

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David B. Karrick, Jr., Chairman

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David Hartman, Selectman

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Clyde Carson, Selectman

A true copy of warrant - Attest

**Warner Board of Selectmen**

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David B. Karrick, Jr., Chairman

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David Hartman, Selectmen

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Clyde Carson, Selectman

We hereby certify that we gave notice to the inhabitants within named Town, to meet at time and place and for the purpose within mentioned Town, by posting up an attested copy of the within named Town, and a like attested copy at the Town Hall being a public place in said Town on the 16th day of February, 2010.

**Warner Board of Selectmen**

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David B. Karrick, Jr., Chairman

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David Hartman, Selectmen

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Clyde Carson, Selectman