



Town of Hopkinton, NH

Office of the Select Board

330 Main Street, Hopkinton, NH 03229-2627

Tel: (603) 746-3170 E-mail: selectmen@hopkinton-nh.gov

Fax: (603) 746-2952 Web: hopkinton-nh.gov

SELECT BOARD PUBLIC MEETING MINUTES MONDAY, MAY 8, 2017 APPROVED MAY 15, 2017

CALL TO ORDER

Chairman Jim O'Brien called this special meeting of the Select Board to order at 5:30 p.m. on Monday, May 8, 2017, in the large meeting room in the Town Hall. Chairman O'Brien introduced the members of the Board. Bob Gerseny led those assembled in the Pledge of Allegiance.

Members Present: Jim O'Brien, Chair, Ken Traum, Vice Chair, Steve Lux, Jr., Bob Gerseny, and Sabrina Dunlap

Staff Present: Neal Cass (Town Administrator) and Robin Buchanan (Administrative Assessing Assistant)

Public Present: Ken Wilkens, Bob LaPree, Cathy Chesley, Denis Goddard, Sue Olsen, Rena Adams, Steve Whitley, Rebecca Whitley, Cindy Garland, Paul Alfano, Janet Ward, Rob Buelte, Susan Covert, Erin Vanden Borre, Terry Cox, David Dustin, David Luneau, Jen Blagriff, Ryan Doffing, Greg Kerr, Sara Dustin, Sara Mattson Dustin, Jack Ruderman, Laura Johnson, Emily Hacker, Kathy Alcott, Tim Nelson, Joyce Rose, Jeremiah Johnson, Jessica Scheinman, Janet Krzyzaniak, Steve Lux, Sr., and other Hopkinton residents.

ADMINISTRATIVE

Consent Agenda

The Board members reviewed documents for signature and approved unanimously (5-0) the Consent Agenda, taking the following action on a motion made by Mr. Traum and seconded by Mr. Lux.

CONSENT AGENDA 05-08-17

ACCOUNTS PAYABLE MANIFEST

\$92,332.59

PAYROLL**RIGHT TO BURY**

Lord Family Revocable Trust
Gregory & Dawn Berry

NOTICE OF INTENT TO CUT

Keith & Tara Rutherford & Peter & Julie Smith Map 224 Lot 33

Letters Sewer connection

Lance Moulton Map 101-060

Thank you letters

Jon F. Slusser
Robert A. Slusser

The Board reviewed the Select Board Meeting Minutes of Monday, May 1, 2017. Mr. Traum made a motion, seconded by Mr. Lux, to approve the Public Meeting Minutes of May 1, 2017. Chair O'Brien called for a vote.

VOTE: O'Brien, Traum, Lux, Gerseny and Dunlap voting in favor of the motion; no votes against. MOTION APPROVED 5-0.

The Board reviewed the Select Board Non Public Minutes of Monday, May 1, 2017. Mr. Traum made a motion, seconded by Mr. Lux, to approve the Non Public Meeting Minutes of May 1, 2017. Chair O'Brien called for a vote.

VOTE: O'Brien, Traum, Lux, Gerseny and Dunlap voting in favor of the motion; no votes against. MOTION APPROVED 5-0.

The Board reviewed the Select Board Public Minutes of Thursday May 4, 2017. Mr. Traum made a motion, seconded by Mr. Lux, to approve the Public Meeting Minutes of May 4, 2017. Chair O'Brien called for a vote.

VOTE: O'Brien, Traum, Lux, Gerseny and Dunlap voting in favor of the motion; no votes against. MOTION APPROVED 5-0.

III. RESPONSE TO THE PROPOSED WARNER GUN RANGE REGIONAL IMPACT

Chairman O'Brien gave a brief summary of how we arrived to this point. He further stated on Thursday, May 4, 2017 the Select Board toured the Sewer Department and then met with Bruce Ellsworth, Planning Board Chair. Mr. Ellsworth had attended Warner's Planning Board meeting on Monday, May 1, 2017, at the request of the Hopkinton Select Board. Chairman O'Brien stated that Mr. Ellsworth spoke favorably about Warner's fair and open process. He further

stated the Warner Planning Board has good leadership and is in very capable hands. The Warner Board is asking for input in writing from Hopkinton including Hopkinton resident comments by Monday, May 15, 2017.

Chairman O'Brien stated that Mr. Traum and Ms. Dunlap worked on an initial draft for the response to the Warner Planning Board and we will discuss that after hearing public input. He further stated we are not the decision makers in this issue. The decision maker will be the Town of Warner.

Renee Adams, Warner-not against sport shooting, her concern is traffic on Kearsarge Road, which is not only used by cars, but by people walking with their dogs, bicyclists, runners, high school athletes, horseback riders, etc. Ms. Adams is concerned with the proposed gun range owner's lack of experience, noise and environmental issues, such as lead.

Mary(?) stated with more people coming to the area, it is an easy way for Hopkinton to reap the benefits.

Steve Whitley, Hopkinton, stated this gun range is not good for the Town of Hopkinton and the Select Board needs to communicate that with Warner. He wants the Hopkinton Select Board to ask Warner to deny the application due to traffic, close proximity to the schools in Hopkinton, renting of guns and lead contamination.

Cindy Garland stated she agrees with Mr. Whitley and would like the Hopkinton Select Board to ask Warner to deny the application.

Paul Alfano, Attorney for MadgeTech, stated the gun range will affect property values. He gave the Board information with regards to studies about noise levels, lead contamination, air circulation inside the range, as well as what is getting outside.

Denis Goddard, Hopkinton. Mr. Goddard stated that it is presently legal to sit on your porch and shoot off rounds and it is not always safe. He feels that having a central location, with instructors and safety training, is a much better way to go. He feels we are setting a precedent by saying I don't like what you are doing on your own personal property. We don't want to cross that line.

Janet Ward, Hopkinton is concerned with the number of people this business will draw and that it will impact her family more than it will impact Warner. She also stated she agrees with Mr. Ellsworth about how Warner is conducting its meetings.

Robert Buelte, Hopkinton. Mr. Buelte stated he has been a police officer for 20 years and stated he has been to firing ranges. He further stated there is a firing range near NHTI and noise is not an issue. He also stated that he believes the liquor commission would not issue a permit for alcohol at such a facility. He questions how a study on the noise level can be done if the facilities are not there yet. He further stated the fear is not warranted.

Terry Cox, Webster. Ms. Cox stated that she learned how to use a gun for protection and this range would give her a place to practice.

Bob LaPree, Hopkinton. Mr. LaPree stated there is a lot of shooting going on in sandpits in Hopkinton, which is in close proximity to an official ATV trail. He believes shooting in a pit is dangerous to the environment as the lead is left in the ground. He feels it would be beneficial to get those shooters out of the sandpits and into the gun range.

Susan Covert, Hopkinton. Mrs. Covert's concern is environmental. She is concerned that the lead dust in the building will go on staff and people using the range.

Erin Vanden Borre, Hopkinton. She is concerned for health safety. However, she feels this has the potential to bring business, as well as risk, and finds most are responsible.

Greg Kerr, Hopkinton. He encouraged the Board not to take a position, as there is less than 1% of the town here. He stated he previously lived where there was an indoor gun range behind his home and the noise level was low and no one ever got sick.

David Dustin, Hopkinton. He hopes the Select Board takes a position and tells Warner to consider advising the applicant to seek a site somewhere else.

David Luneau, Hopkinton School Board, stated the School Board will include a letter to Warner in the packet that the Hopkinton Select Board sends, stating the School Board's concerns. His concerns are road traffic, the athletes that use Kearsarge Road for training and the staff at the school is concerned.

Becky Whitley, Hopkinton stated their move to Hopkinton was a conscious choice because of the schools. She would like the Board to take a position against the gun range.

Cathy Chesley stated she has lived near a sandpit and there was shooting and it was concerning. She further stated the gun lobby works on limited background checks.

Jen Blagriff, Hopkinton stated she moved her family here because of the schools but she would not have moved here if there was already a gun range in Warner and is now considering moving. Her concerns are for automatic guns, gun violence, the location of the gun range and the types of guns they intend to rent. She believes the risk of suicide will increase, is worried about home values and the athletes who run on Kearsarge Road. She wants the Board to take a stand against the gun range.

Laura Johnson, Hopkinton wants the Board to take a stand against the gun range.

Steve Adams is concerned about the increased traffic on Kearsarge Road. He noted the gun range is not the problem, but the proposed location is. He believes property values will drop by 4%.

Sara Dustin is concerned with the long term storage of the lead dust. She stated the applicant noted the dust would be stored in buckets in the gun range upstairs. She would like the Board to ask Warner to secure a bond for possible clean up.

Jack Ruderman, Hopkinton would like the Hopkinton Select Board to take a stand against the gun range for all the previous reasons stated. He stated that guns are dangerous and the risk is too great. He further stated the Select Board's letter should oppose the gun range.

Sara Matterson Dustin would like the Board to take a position against the gun range. She stated that our interests are not aligned with Warner's.

Judy Cumin(?) stated the gun range is not in the interest of either town, she is worried about gun violence.

Ryan Doffing, Hopkinton stated he thinks the gun range is a good idea. He believes the Board should have invited the applicant of the gun range to be present.

Janet Krzyzaniak, Hopkinton stated that she feels in the minority, as she thinks the gun range is a good idea. It is a good place to learn about guns and gun safety for adults and children. She believes most people will take Exit 7 to get to the gun range and not go up Kearsarge Road.

Tim Nelson, Hopkinton, would like the Board to not take a stand against the gun range. He stated the high peak hours for a gun range are after school hours. He referred to a gun range in Merrimack, which is surrounded by businesses and a ballfield, noting nothing has happened.

Susan Olson, Warner stated she is an NRA pistol instructor and she trains women and occasionally children, on how to use and protect themselves with guns. She welcomes the gun range.

A member of the audience question the rules regarding filming the public meeting, as another member of the audience was filming. Chairman O'Brien stated it is a public meeting and therefore filming, recording and photos are allowed.

Emily Hacker, Hopkinton stated she would not have moved here if the gun range was already in Warner. She also stated she might leave.

Phil Paquette stated there will be a traffic issue.

Robert Buelte stated if people are concerned about the environment, there are encapsulated bullets. These bullets have copper surrounding the lead. He stated he knows people that have worked in the industry for many years and there are no health issues. He further stated that gun ranges are not the cause of school shootings; the vast majority of crimes are with legal guns and drugs; having a gun range is not going to change the access to guns.

Janet Ward, Hopkinton stated the gun range impacts Hopkinton more than Warner. The location is the problem.

David Luneau, speaking as a citizen and not for the School Board, stated that Interstate 89 is already a drug corridor.

Jen Blagriff spoke of a police chase near her home and that the State Police did not inform anyone in the neighborhood. She stated this was very upsetting. She believes college kids will drive up from Boston and that the school security is not good.

Paul Alfano stated that if the Select Board is neutral then you are supporting the gun range. He also wanted the Board to take out the comments that were in favor of the range. He warned that property values will fall.

Steve Lux, Sr. Hopkinton, stated he has been a resident for 50 years; he is in favor of the gun shop. He also stated there was a gun shop in town for many years and nothing happened.

Janet Krzyzaniak stated there was an outdoor shooting range across from the High School, where River Grant Condos are now.

As there were no more comments, Chairman O'Brien closed the public input session at 7:20 pm.

Chairman O'Brien called for a 5 minute recess.

The meeting resumed at 7:25 pm.

Chairman O'Brien thanked everyone who came to the meeting. He stated the members of the audience spoke with openness and respect to others.

Mr. Traum stated that he and Ms. Dunlap worked on an original draft, which Mr. Gerseny and Mr. O'Brien has suggestions for. He further stated he Board did not take a position in this draft letter. It did, however, point to concerns and comments made by the residents of Hopkinton which included the possibility of serving alcohol, rental and sale of automatic weapons, compliance with all safety and environmental rules, Hopkinton Fire and Police Department response and possible training, traffic issues, home value information and the location of the school to the shooting range. Mr. Traum also noted that a letter from the School Board would be included.

Before discussion on the letter began, Chairman O'Brien noted that Selectman Lux had a statement to read.

I would like to take a moment to provide my thoughts and perspective on Hopkinton's involvement with Warner's proposed indoor firearms range:

I first want to begin by reminding everyone the Town of Warner is a well-established community with over 2,800 residents. They have boards and committees, processes and procedures, and business services like many other residential communities in New Hampshire. Many smaller communities

like Warner and Hopkinton work hard to attract new businesses and services to the area to help with our ever-increasing taxes.

What we, as a neighboring community, are doing to Warner is this process is not friendly or neighborly; it is not helping to promote business growth; and it is certainly not giving Hopkinton a good name; this is wrong. We need to understand the long-term effects of this process: How does this look to potential developers who might wish to locate in Hopkinton? What is Hopkinton doing to work with a neighboring community and developer? Why is Hopkinton using tax payer dollars and other resources on an issue the Warner ZBA has not included us on? And, how does spending those tax dollars effect the residents and businesses who are already here?

I am one of many residents in Hopkinton who have complete confidence that Warner has the ability to determine what is best for their community. I also believe that Warner is taking into great consideration how this may impact other communities surrounding them. I believe Warner has the ability to decide when and how proposed projects may impact our community, and the Planning Board now has. The Town of Hopkinton has the opportunity to provide perspective, ask questions, and get educated on this proposal. This is not an excuse to stand up and fight against a business that some people simply do not like, but the opportunity for all of us to work together so that we can promote local business growth and development while satisfying the needs of both communities.

I hope that as we continue this process, we are reminded of the overall impact to our entire community and not just a select few residents.

In response to Mr. Lux's statement, Ms. Dunlap pointed out that the town has only been involved since Warner found this was an issue of regional impact. It is the town of Warner that has invited us to speak on the potential issues facing our town, Hopkinton did not make this up out of thin air. This is not a case of Hopkinton over-reaching, this is a case of the town of Hopkinton following the relevant statute that is designed to give impacted municipalities a chance to speak about developments that will likely affect them and the town's residents. The town of Hopkinton raising concerns is not a critique of Warner's abilities, it is simply us taking the chance to speak as a town with the legal status of an abutter. The fact is, that we are positioned to raise concerns related to the town of Hopkinton that Warner would have no way of knowing. The regional impact law exists for this very purpose. This is not an issue of people being anti-gun, it is an issue of there being legitimate concerns about the location of this business, given the nature of this business, which will produce lead, noise, and potentially create more traffic. It is inaccurate to suggest that Hopkinton is overreaching. We were invited to participate, our residents have serious and legitimate concerns, and we are simply acting as we are supposed to under state law. The ultimate decision on the application rests with Warner.

Discussion ensued, with regards to comments, additions and deletions within the draft letter. The attached letter is the result of those discussions. The Select Board will meet again on Thursday, May 11, 2017 at the Slusser Center after their tour of the center. It was noted that the Warner Planning Board will be meeting on Monday, May 15, 2017, which is the same day as the Select Board meeting, so Planning Board Chairman Bruce Ellsworth will be attending the Warner meeting for the Select Board.

There being no further business, a motion by Mr. Traum, and seconded by Mr. Lux to adjourn the meeting. Vote 5-0 in favor of the motion. The meeting adjourned at 9:05 pm.

Respectfully submitted,

Robin Buchanan, Administrative Assessing Assistant



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May 11, 2017

Mr. Benjamin D. Frost, Chair
Warner Planning Board
P.O. Box 265
Warner, NH 03278

**Subject: Development of Regional Impact
Dragonfly Holdings, LLC; Warner Road (Warner Map 3, Lot 33)
Site Plan Application for an Indoor Shooting Range and Retail Store**

Dear Mr. Frost,

We are in receipt of your letter of April 24, 2017 advising us of your determination that the above referenced application has the potential for regional impact, and inviting our written or oral testimony before noon on May 15. Thank you for that ruling and invitation.

Our Board voted at its May 1 regularly scheduled meeting to hold a public input session on May 8 for the specific purpose of hearing from anyone who has an interest in this application. Testimony was accepted both orally and in writing. Testimony and comments were documented, and the notes and minutes along with any letters and emails received by our Board by close of business on Thursday, May 11, are being forwarded with this letter, to your Board for consideration.

The Hopkinton Select Board has complete confidence in your Board's capabilities to attend to this application. Because of your determination that this project has potential regional impact, and because we have received numerous inquiries on both sides of the issue, we take this opportunity to raise several specific concerns that we hope you will consider during your deliberations.

1. Please consider safety and lead contamination abatement issues to assure that federal, state, local, and facility containment and abatement procedures and operating policies are being followed. If you are satisfied with the safety and led containment and abatement

procedures in the application, consider giving conditional approval subject to periodic compliance audits for both lead and overall safety in the facility.

2. Please consider whether the security measures proposed by DragonFly Holdings are sufficient both during business hours and when the building is not staffed to assure the safety of patrons, staff, and the community.
3. Please consider providing both the Warner Police and Fire Departments with notice regarding this application and request their input regarding all aspects of the application.
4. Please consider obtaining a professional traffic study for the area of the proposed project which takes into account the potential impacts to the diversity of users of Kearsarge Avenue/Warner Road.
5. Please consider obtaining a professional study on any potential impact to residential home values in Hopkinton.
6. We would appreciate you reviewing the attached letter from the Hopkinton School District outlining their concern about the proposed project.

We appreciate your diligent work on this application and the opportunity to share this letter with you as part of your process. Should you required additional information, or have questions concerning this letter, please free to contact us.

On behalf of the Hopkinton Select Board
Very truly yours,

Jim O'Brien, Chair