

FINAL



**WEARE BOARD OF SELECTMEN
MEETING MINUTES
October 6, 2014**

PRESENT: KEITH R. LACASSE, VICE CHAIRMAN; JENNIFER BOHL, SELECTMAN; JOHN LAWTON, SELECTMAN; JAMES LEARY, SELECTMAN;

RECORDING SECRETARY: Cherry Palmisano

TOWN ADMINISTRATOR: Naomi Bolton

GUESTS: Carl & Sandy V. Shaw Jr., Roberta Shaw, Kate Parmenter, Tim Redmond, George Malette, Jan Snyder, W. Perry Dowst, Peter Flynn

7:00 p.m. Vice Chairman Lacasse called the meeting to order.

DEPARTMENT HEAD AND COMMITTEE ITEMS

DPW Update – Tim Redmond, Public Works Director, explained that the Brown Ridge Road cul-de-sac, was built short of the required area to access the lots at the end of the cul-de-sac and the town accepted the road. Lot #408-151 is presently under construction, but there is not enough frontage on the cul-de-sac to accommodate four lots. Mr. Redmond said that the town has two courses of action; extend the road to where it should be at the town's expense or fight with the landowners in court. The current dilemma is that there is a house under construction and they are looking to get a permanent driveway, but Mr. Redmond cannot give them one because there is not enough frontage. Whoever developed the property built the road and the town accepted the road, but unfortunately the road was built wrong. Mr. Redmond said that assigning a driveway to the house under construction will not allow the other three lots to have driveways. There is no immediate plan to develop the other three lots, but there is a need to make allowances for them. The issue is with the future access from the 125 acre lot, not the house currently under construction. The subdivision was done in the 1980s. 50ft of frontage on the cul-de-sac is needed for each one of the lots and 30 ft for each driveway apron. There is currently not enough room on the cul-de-sac to accommodate all the driveways.

Mr. Redmond wants a decision so he can issue a temporary driveway permit and assure the landowner that he will be able to develop the other three lots. Mr. Redmond's advice is to do it right and correct the problem. Mr. Redmond will return to the Board with the cost to do the fix, which would come out of the road reconstruction fund. Brown Ridge Road was done in 1986 and then some swapping of land so that the lot at the end of the cul-de-sac could have access to the town road. Selectman Lawton thinks that the lot line adjustment adding the other lot was done after the town accepted the road and asked if this should go back before the Planning Board. Town Administrator Bolton said that the granite bound was in place, so whatever year the lot line adjustment was done to give access to the road, the granite bounds were found. Town Administrator said that they can do some more research, but they will be holding up someone from constructing their home. Selectman Leary asked for Mr. Redmond to provide a cost to the Board. The Board will act quickly so as not to hold up the homeowner.

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Vice Chairman Lacasse moved, Selectman Lawton seconded to approve the minutes of September 22, 2014 as printed. Passed 4-0-0

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MANIFESTS

Checks dated: October 2, 2014

Weekly Payroll \$55,366.40

Vice Chairman Lacasse moved, Selectman Leary seconded to authorize the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated October 9, 2014. Passed 4-0-0

Accounts Payable \$396,257.31 (John Stark \$250,000)

Gross Payrolls \$42,839.54 (Includes taxes, credit union)

TOTAL \$439,096.85

Also to order the Treasure to sign payroll checks dated October 16, 2014. Actual amounts paid and reports backing up the numbers will be included on the Manifest Memo at the next scheduled Board meeting.

Vice Chairman Lacasse opened the continued public hearing at 7:30 p.m.

PUBLIC HEARING – To hear public testimony and comment on two separate requests for Discretionary Preservation Easement Applications per RSA 79-D:3 filed by:

1. Roberta Shaw, 65 Bart Clough Rd, #409-7

2. W. Perry Dowst 2007 Revocable Trust, 185 Poor Farm Road #411-19.1

The public hearing was continued to provide the Heritage Committee time to meet with the applicants and provide a recommendation to the Board.

Roberta Shaw, 65 Bart Clough Rd, #409-7

George Malette, Heritage Commission, explained to the Board that the Heritage Commission utilized an Abatement Scale of points with the questions for the scale coming specifically from the statutes. Using this scale minimizes any chance of bias or favoritism. Sherry Burdick and Heleen Kurk were also at the meeting to provide input. Mr. Malette noted that the Shaw's did attend both Heritage Commission Meetings and developed a plan of intent for preserving the building for the 10 year time period. The Shaw's scored a total of 9 points on the Abatement Scale. The recommendation from the Heritage Commission is for a 75% abatement. The Heritage Commission recommends that the land necessary for the preservation should consist of the footprint of the building and any ramps or banks to support the structure of the building Mr. Shaw has a letter of support from the Heritage Commission.

Mr. Shaw said that he has spoken with the Heritage Commission regarding the abatement including approximately 10ft around the barn. Mr. Shaw explained that underneath the barn facing the south side they need to put drainage in to prevent rotting and thinks that the 10ft would be helpful because it is an expensive project and the north side also needs support work. Mr. Shaw said that in order to keep the structure/barn intact they would have to use the 10ft around. The statutory language states the structure and the necessary land for the function of the building are included in the abatement. According to the tax map \$3,152 is the value of the structure. Mr. Shaw said that the barn does need some work and their intent is to keep the integrity of the barn looking original and doesn't want to lose the historical value. Mr. Malette said it is up to the tax assessor to assess the barn to calculate the 75% abatement and any improvements done during the 10 year period. Discussion on assessing the 10ft of land around the barn.

Mr. Dowst said that his understanding was the 10ft perimeter was there so that the value of that would be included in the abatement.

Vice Chairman Lacasse noted that the application is asking for the value of the structure plus the value of the land 10ft around. Vice Chairman Lacasse asked Mr. Shaw if he would be opposed to striking the 10ft around. Mr. Shaw responded that the 10ft around the structure is not significant.

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Selectman Leary moved, Selectman Lawton seconded to accept the Discretionary Preservation Easement Application for 65 Bart Clough Road as amended at the 75% abatement. Passed 4-0-0

W. Perry Dowst 2007 Revocable Trust, 185 Poor Farm Road #411-19.1

Mr. Malette said that the Dowst application scored 10 points on the Abatement Evaluation and the Heritage Commission recommends a 75% abatement. Mr. Dowst presented a letter outlining his intent. His plan is to bring the property back to a working farm and to use this property for hay storage and raising livestock. Last fall the barn was completing jacked up off the foundation and leveled and straightened. 80% of the supports were rotten and needed to be replaced. Mr. Dowst told the Board that he has spent \$120k on improvements to date with the projected cost for improvements being \$150k. Mr. Dowst said that they deeply appreciate the land itself and have a long term plan in place. He is respectfully requesting the full abatement easement. Vice Chairman Lacasse asked about striking the 10ft around the structure. Striking the 10ft perimeter would still include the structure and the ramps.

Selectman Leary moved, Selectman Bohl seconded to accept the Discretionary Preservation Easement Application for the barn and ramps located at 196 Deering Center Road at 75% abatement. Passed 4-0-0

Vice Chairman Lacasse closed the public hearing at 8:09 p.m.

Mr. Malette noted that there is no contact information being requested on the application. He recommends that the Heritage Commission contact the homeowner's every five years and if necessary do a site walk.

Maureen Bilodeau needs to post the polling places and hours, which require signatures from three Board members.

POLICY AND PROCEDURE REVIEW

Solar Ordinance ó At Town Meeting in March of 2008 a Solar Ordinance, which was done by petition, passed.

Noise Ordinance ó Town Administrator Bolton distributed copies of Noise Ordinances from several towns to all Board members to review. Selectman Lawton thinks that they need to be very specific on what they think is noise and what is not noise and that the ordinance would have to specify decibels. Vice Chairman Lacasse noted that he revised the Noise Ordinance from the Town of Swanzey to more reflect the needs of Weare. They need to come up with language to address the hours of use. Town Administrator Bolton noted that she does not think any of the ordinances mention firearms because of the Right to Bear Arms. There are activities and equipment that are listed under exemptions. A public hearing will be required, but a draft Noise Ordinance would be needed to present for discussion. Selectman Lawton thinks that they do not need a Noise Ordinance to hold the public hearing, they should hold the public hearing based on if there is a need for an ordinance. Some Board members feel they are opening the door for people to complain about annoying neighbors. Town Administrator Bolton said that they do receive complaints for noise all the time and there is no avenue to enforce. Vice Chairman Lacasse will bring in a draft noise ordinance on October 20th for the Board to review. The police are now trying to address these issues, but there is nothing in place to enforce.

ADMINISTRATIVE REPORT

Inventory ó Town Administrator Bolton thinks that they can utilize the system without the bar code. Selectman Lawton would like to continue moving forward and tie the inventory numbers with the lines in the budget.

Sugar 'n' Spice ó In 2008 when the town voted to enter into a three-year lease with Sugar 'n' Spice the agreement stated that future leases were not to exceed lease periods in excess of three years. The lease has been re-typed and Town Administrator Bolton will be bringing it to Sugar 'n' Spice to be signed.

Election laptops ó The two laptops used for elections have Windows XP which is not supported by the program. Selectman Lawton understands that nothing is saved to the computers, which are used to work online all the time into the online program. Selectman Lawton mentioned a Chrome Book. Town Administrator Bolton spoke with

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Chief Vezina, who has a laptop from the ambulance that can be used for the November elections, which will allow them time to come up with a resolution for future elections.

State Surplus Auction ó Chief Vezina would like to send the old red Taurus over to surplus. Chief Vezina is utilizing the Durango and will be putting in for an upgrade for the Durango in the CIP.

Vice Chairman Lacasse moved, Selectman Bohl seconded to allow the Fire Department to sell the red Ford Taurus, that was previously used as the fire chief's car before the Durango, at the State of NH Property Surplus Auction to be held on October 18, 2014. Passed 4-0-0

The Deliberative Session will be held on Saturday, January 31, 2015 at 9:00 a.m.

PUBLIC COMMENT

Peter Flynn, New Boston Town Administrator and former Henniker Town Administrator, explained to the Board that both the New Boston and Henniker Selectmen have a signing file called the Consent Agenda. Mr. Flynn said that he heard the Board discuss some items that would not even be discussed in other towns and would be listed under the Consent Agenda. The Consent Agenda is given to the Board in advance of their meeting and the Board votes to approve the Consent Agenda during their meeting and if it involves an appointment they will read it aloud at the meeting. The Town Administrator uses their judgment as to what is included. The Consent Agenda is included in the minutes for public record.

CORRESPONDENCE

Vice Chairman Lacasse read a letter dated September 19th to Steve Elliot from the East Shore Drive Road Association. The letter expressed concerns to the Town of Weare in regards to parking on East Shore Drive during winter months. Attempts were made in person, with no resolution. In the future all requests to Mr. Elliot will be made through the Board of Selectmen or Police Department.

OTHER BUSINESS

The Board discussed placing the link to the state's website for the 2014 November ballot on the town website.

There are two payables from last week that required signatures from the Board.

Vice Chairman Lacasse moved, Selectman Leary seconded to adjourn at 8:46 p.m. Passed 4-0-0

ADJOURNMENT

A True Record.

Cherry Palmisano, Recording Secretary