

Selectmen's Meeting Minutes

Tuesday, May 8, 2007

Present: Selectman Maxfield, Ives, and Bowles.

Also present: Police Chief, Code Enforcement/Compliance Officer Bob Fiske, ZBA Chairman David Powelson, ZBA member Roy Merrill, and Planning Board member Bob Ordway.

Chairman Maxfield called the meeting to order at 6:30 PM.

- I. Selectman Ives moved to approve the Selectmen's Meeting Minutes of Tuesday, May 1, 2007 as presented. Seconded by Selectman Bowles. All in favor. Motion carried. Selectman Bowles moved to approve the April 2007 Nor'easter Debriefing Meeting Minutes of Wednesday, May 2, 2007 as presented. Seconded by Selectman Ives. All in favor. Motion carried.
- II. Chairman Maxfield opened the Board of Permit.
 - a. Bob Fiske presented two Hawker's and Peddler's applications. He stated the first was for Brookside Mall, which is the same as in years past. All paperwork is in order. The second application is for Speedway Convenience. Mr. Fiske stated the only change is a new vendor map has been submitted with one less vendor than usual. Selectman Ives asked about the fire lanes for the Speedway Convenience site. Mr. Fiske stated that the vendors will have to be constantly policed and Mr. Rymes is aware of that. Selectman Bowles said that the parking lot at Speedway Convenience gets so full that people start parking on the side of Route 106, which makes it difficult to utilize the store.
 - b. Mr. Fiske stated that Ray Cowan had come in for a building permit to convert the lower level of his house in the mobile home park into an apartment. Mr. Fiske stated he advised Mr. Cowan that his answer would be no, that he could not convert it into an apartment; however, he would check with Board of Permit. Mr. Fiske stated this unit does not fit the "duplex" option either. Discussion ensued regarding zoning requirements. The consensus of the Board was that this does not fit the criteria of zoning and would not be allowed to be turned into an apartment. Mr. Fiske will advise Mr. Cowan of the Board's decision.
 - c. The Board received a letter from Rhonda Davignon regarding the Rocky Road Campground Memorial Day Event. Ms. Davignon voiced her concerns regarding noise issues and number of people in attendance at this event. Selectman Bowles stated that Rocky Bagone

advised Board of Permit that the bands would not play after 9:30 PM. Mr. Fiske stated that Mr. Bagone has been advised that if he does not follow the conditions set, he would not be given approvals in the future for this type of event. Mr. Bagone said that the music schedule is set on Friday from 6:00 PM – 9:30 PM, Saturday from 12:00 PM – 9:30 PM, and Sunday from 12:00 PM – 6:00 PM. Mr. Fiske asked about what possible activities would be taking place on Sunday morning until the music set to begin at 12:00 PM. Mr. Bagone said he was not sure as to how many campers if any there would be, so he was not sure. Chairman Maxfield asked if Mr. Bagone had all of his permits in place. Mr. Bagone said he provided Mr. Fiske with his insurance information. He stated the insurance is for a three-day event, for Friday, Saturday, and Sunday. Mr. Powelson asked about Monday. Mr. Bagone said some people may camp until Monday, but he did not plan on it at this point. He stated there are 160 tickets to be sold, which would be the maximum number of overnight campers if they do stay over but he hoped to have 300 people in attendance during the event on Saturday. Discussion ensued regarding the maximum number of people in attendance at one time. Mr. Bagone agreed that there would be no more than three hundred people in attendance at any time during the weekend event. Selectman Bowles asked about the remaining requirements before the Hawker's and Peddler's permit is approved. Mr. Fiske stated that Mr. Bagone still needed to provide the State licenses for each of the vendors, written permission from Mr. Dunn regarding parking privileges, and notification from the Town of Canterbury acknowledging what Mr. Bagone is planning to do. Chairman Maxfield said that once Mr. Fiske receives all the required information from Mr. Bagone, he felt that things could move forward. Chairman Maxfield said that if things get out of control, the Police would shut down the event. Mr. Fiske advised Mr. Bagone that individual vendors must provide a copy of their State license. Mr. Bagone said if he does not receive the individual vendor licenses, then there would be no vendors at the event. Mr. Bagone said that if he is limited to 300 people he feels he can handle the parking on his own property. Selectman Bowles said that with 160 campsites and an additional 140 vehicles, access for emergency vehicles is a concern. He said the Board had set the condition that Mr. Bagone needed to obtain written approval from Mr. Dunn for overflow parking. Mr. Bagone asked if Chief Burr could do a site inspection to see if the area is adequate. Chief Fiske stated he would share the required sketch submitted with the Hawker and Peddler's application with Chief Burr for his review. Selectman Bowles said Mr. Bagone would need to be able to draw out a parking plan that is suitable to Bob Fiske and Jeff Burr. He said he would still like to see a written agreement with Mr. Dunn for overflow parking and confirmation from Canterbury that there will be an Officer on duty

during the event. Mr. Bagone said he understood that what he needed to do was provide confirmation of an agreement with Canterbury to hire a Police Officer, parking plan with Bob Fiske and Jeff Burr's approval, and if any vendors will be onsite, their State Hawker's and Peddler's license. Mr. Fiske stated he would like to review the conditions/requirements to be sure that Mr. Bagone has met all the requirements. Selectman Bowles stated that this is a one shot deal, and if there are any problems, Mr. Bagone will not be able to hold another event of this type. Mr. Bagone will contact Mr. Fiske and finish up with his required paperwork.

- d. David Powelson stated that he was at Superior Court on Monday defending the ZBA's decision on setbacks on Alvin Davis' subdivision. He said he felt things went well.

Chairman Maxfield closed the Board of Permit and reconvened the Selectmen's Meeting.

III. The Board met with Police Chief, Code Enforcement/Compliance Officer Bob Fiske.

- a. Mr. Fiske advised the Board that the DARE car that had been donated is going to be retired and sold at auction with two cruisers next week. He asked the Board if the funds received from the sale of the DARE car could be placed into the DARE Association fund. The Board said if it is allowable, the Board agreed that due to it not being a "Town" vehicle, the funds for that specific car could go back into the DARE Association fund. Mr. Fiske stated a golf cart would be used in its place.
- b. Chairman Maxfield stated for the record that six pistol permits were submitted for signature and approval.
- c. The Board asked Mr. Fiske if he was aware that PSNH had submitted a notice regarding attaching banners and flags to utility poles. Mr. Fiske stated he was aware and that is why he had discussed with the Selectmen the need to have an application for signs in town.

IV. Chairman Maxfield opened the Public Hearing to review the Discretionary Preservation Easement application for Roy and Cynthia Merrill's property on Blake Road.

- a. Chairman Maxfield read the public notice for those present and reviewed the requirements to be met to qualify for the Discretionary Preservation Easement. Chairman Maxfield stated he felt this application met the qualification of it being "historically important on a local basis". He stated he has viewed the property and asked about the siding on one side of the barn. Mr. Merrill stated it was aluminum siding.
- b. Mr. Merrill stated according to his Grandfather and Uncle, this was the last barn raising between Loudon and Gilmanton that the two Town's

worked on together. He said it was built some time between 1890 – 1905.

- c. Chairman Maxfield discussed the three things the Selectmen have to agree upon before the Discretionary Preservation Easement can be granted.
- d. Selectman Bowles stated he felt that he should recuse himself from this application.
- e. Mr. Merrill stated he felt the Board should consider the 75% adjustment. He stated he would need to move forward with repairing the roof, but needed to replace the I-beams prior to the roof. Discussion ensued regarding the foundation. Chairman Maxfield discussed the penalty if the property is removed from the Easement early. Mr. Merrill said he felt the Discretionary Preservation Easement could be reapplied for at the end of the 10-years without a penalty. Chairman Maxfield discussed previous Discretionary Preservation Easements that have been approved and denied. The Board reviewed possible Discretionary Preservation Easement Deeds for review from Assessor David Wiley. Discussion ensued regarding the term of the easement as well as the penalty figure at the end of the 10-years. Selectman Ives moved to approve the Discretionary Preservation Easement for Roy and Cynthia Merrill's property Tax Map #036, Lot #014 with the reduction of the Barn at 75%, with a condition adjustment 19, dropping the value by \$8,953.00 and reduce the land curtilage value \$750.00 with the term expiration of the Discretionary Preservation Easement at 10 years the grantor shall pay the Town of Loudon an amount equal to 0% of Fair Market Value of the property at the time of the termination of the Easement. Seconded by Chairman Maxfield. Selectman Ives stated he wanted to be sure that the first of the two Discretionary Preservation Easements provided by Assessor Dave Wiley is the one used to draw up the deed. He also stated the expense to draw up the deed is the landowners' responsibility as well as recording fees. Majority vote in favor. Motion carried. Selectman Bowles abstained.
- f. Discussion ensued regarding other easements that have come before the Board.

V. The Board began their review of weekly correspondence.

- a. Chairman Maxfield stated the Board is in receipt of the 2007 Spring Tax Warrant from Tax Collector Helen McNeil. He said the total tax amount is \$4,497,533.00. Chairman Maxfield read the following oath into the record: We, the Selectmen and Assessors of the Town of Loudon NH, do solemnly swear that in making the inventory for the purpose of assessing the foregoing taxes we appraised all taxable property at its full value, and as we would appraise the same in payment of a just debt due for a solvent debtor. So help us God. The Board signed the Warrant.

- b. Chairman Maxfield reviewed the Discretionary Easement for the Ledges Golf Links, Inc., as discussed at last week's meeting. Selectman Bowles moved to approve the Discretionary Easement for the Ledges Golf Links, Inc., with an additional 83.37 acres of the golf course property to be placed in current use, the value of the golf holes will be given a -.55% condition adjusting the hole value from \$1,430,100.00 to \$919,350.00. The overall total value will be reduced from \$2,146,894.00 to \$1,393,831.00, which is an approximate 35% reduction. The term of the easement is for ten years and can be renewed. A conservation easement deed must be prepared according to the terms stated, signed, and recorded. Mr. Leombruno will be responsible to follow up with the deed. Seconded by Selectman Ives. All in favor. Motion carried.
- c. The Board received a reminder of a meeting on Thursday regarding health insurance renewal.
- d. The Board received a copy of the CERT Team Trailer agreement with Volunteer NH.
- e. The Board received information regarding Nextel Phone Plans and a local representative has been contacted to see if there are better options for Municipalities.
- f. The Board received a copy of an e-mail from Darlene Johnson regarding Best Septic scheduling.
- g. The Board received draft April ZBA meeting minutes as well as April ZBA Site Walk minutes.
- h. The Board received an abutter notice regarding an amended subdivision site plan for MDP Realty.
- i. The Board received past due ambulance bills for review. Selectman Bowles moved to forward past due ambulance bills account #35366, in the amount of \$561.10, account #35817, in the amount of \$131.00, and account #36240, in the amount of \$510.10 to collections. Seconded by Selectman Ives. All in favor. Motion carried.
- j. The Board received the Legislative Bulletin #19.
- k. The Board received information of a workshop on acceptance of a Community Building Program.
- l. The Board received notice that the office copy of Knowing the Territory has been received. The Board asked that an additional copy for each Selectman be ordered.
- m. The Board received notification from PSNH regarding attaching banners and flags to utility poles. The notification is regarding Municipal customers only.
- n. The Board received the final restoration plan submitted to DES regarding the Berry Road/Clough Pond Road issue.
- o. Discussion ensued regarding the CERT Team Trailer agreement and conditions. Selectman Bowles said he felt there needed to be a plan for this Trailer. The Board stated there is a chance that this Trailer may have to be sent back due to insurance and liability issues. The

Board also discussed that the Trailer was accepted without the Board's knowledge or approval.

- p. Selectman Ives stated Office Manager Jean Lee would be contacting Merrimack Valley School District Transportation Department on Wednesday, as there has been no response to the letter the Board forwarded regarding the late bus drop off area.

VI. The Board recognized John Plummer from the audience.

- a. Mr. Plummer asked if the cement wall at the Village Dam was going to be extended. The Board said no, due to an easement, the Town is only allowed to go so far. Selectman Ives said R. M. Piper will be back to finish up the remainder of their work. Discussion ensued regarding the April 2007 flooding issue by which the area of road by the Village Dam was temporarily closed due to the water level.

Selectman Bowles moved to adjourn at 8:00 PM. Seconded by Selectman Ives. All in favor. Meeting adjourned.

THE LOUDON BOARD OF SELECTMEN

Roger A. Maxfield, Chairman

Steven R. Ives, Selectman

Dustin J. Bowles, Selectman