

SELECTMEN'S MEETING & PUBLIC HEARING MINUTES
April 28, 2009

Attendance: Ernie Brown, Craig Evans and Clifton Camp
Staff: Ed Nason CEO, Pam Frazer Assessor Clerk, Dick Peckham Moderator, Brad Williamson EMD,
Doug Vanderpool Forest Fire Warden & Jennifer Sonricker Admin. Assistant
Public in attendance: 9
Reporter: Heather Terragni

The public hearing was called to order by Clifton Camp at 6:30 p.m. Clifton led us in the pledge of allegiance.

Public Hearing – Special Event Permit:

Craig reviewed the history of the Special Event Permit, it has been in existence in the State of NH since 1850; it is not a land use document as it existed before zoning. The Special Event permit (RSA 286) gives authority & power to control events in towns. Brookfield's 1976 annual report posts RSA 286 but nothing else was said. Craig has spent endless hours searching to find early ordinance to no avail. Craig moved on to the current draft of the special event permit; it has been reviewed by Town Council & corrections have been made. LGC has been involved in discussions as well. Additional language was added to the event permit, "The Selectmen do not have authority to override zoning"; there is some debate over the need of this. It was explained that the special event permit will not be used much, this permit cannot be used to grant permission for something that is not allowed in town; the special event permit gives parameters on how the Selectmen can implement RSA 286. Private gatherings would not be controlled by special event permit, only public. Ernie Brown was granted permission by the other Selectmen to seek opinion of another attorney, he spoke with Laura Spector with Mitchell & Bates; she gave another opinion, her response is on file.

The public hearing was open to the public. Dave Towle used an example of running his train this fall along with a barbeque and opening this to the public, he asked if he would need to get a permit to do so; Clifton replied that if the draft special event permit gets adopted then a permit is required. Janet Murfey said she appreciates the Selectmen's efforts but feels we're being over-regulated; she disagrees completely with the permit. There was a discussion over private versus public event; Dulcie Lavender requested these be defined in the document. Martha Pike questioned how the number 50 was determined when setting the minimum number requiring a permit. She referred to her yearly Democrats and Daylilies gathering she hosts which has between 40 – 60 people. She is concerned that she now needs to; get a permit, 1 million dollars liability insurance, inspection and more. She feels the government is going where it doesn't need to. Ron Fountain expressed a need for the town to have some control; town history shows this, adding a permit will allow some control but feels it should be more lenient. Discussions continued and further opinions were given, a few suggestions were to increase the minimum number above 50, only requiring permits for large public gatherings (the definition of large was not given). Bob Bourdeau asked the Selectmen for an opinion of how this would affect the recreation zone. Clifton explained this permit applies to the town, both zones. Mr., Bourdeau feels this will be over-regulating the recreation zone; he will need a permit for everything. Craig explained that a special event permit is not needed for events that are the normal course of business. Clifton Camp will get in touch with Town Council to determine what

are permitted uses under broad description “active recreation use”. Further discussions ensued over the pros’ & cons of special event permit. It was explained that RSA 286 can still be used regardless of whether a special event permit is approved; the goal of the special event permit is to put parameters around RSA 286. Dick Peckham feels the wording in the permit needs some expansion; he is concerned over referencing a zoning ordinance which permits nothing. He feels we shouldn’t reference the zoning ordinance with out first changing the zoning ordinance, more work is needed. Brad Williamson suggested changes be made thru zoning. After further discussions a Straw poll was taken, result follow:

In favor of Special Event permit as presented tonight – 0 votes

In favor of tabling and not pursuing – 9 votes

In favor of working on special event permit and making changes – 5 votes

MOTION: Craig made a motion to kill the draft of special event permit as presented and to not move forward, seconded by Ernie Brown. A vote was taken, all in favor. Motion Carries.

Public Hearing closed at 7:54 PM

Approval of Minutes:

Minutes from April 14, 2009 reviewed.

MOTION: Ernie made a motion to approve minutes from April 14, 2009 meeting as presented, seconded by Craig. A vote was taken; all in favor, motion carries.

Public

Comments: Ed and Janet thanked the Selectmen for holding the public hearing and for listening to public opinion.

Dick Peckham asked for a gutter to be installed over the back door of the town office building.

Tom Whelton asked if the town is taking any precautions as a result of the swine flu. Craig reported he spoke with Dr. Marsh, town health officer today, he is aware and working with the State. Dr. Marsh feels we are isolated but is recommending people have 10 days food supply on hand. He wanted to assure everyone that NH is prepared and the Selectmen will work with Dr. Marsh if this becomes an issue.

Report of Town Officials:

Admin. Asst. Nothing to report.

Assessor Clerk Pam reported she will be opening 1 hour late this coming Wednesday, she has posted this on the door. She also requested changing the day she works from Wednesday to Thursday for the following dates: May 20th, June 17th, July 22nd, August 19th and September 16th, she has a prior commitment on these dates. Clifton requested Pam provide a letter in writing with dates in question and the suggested dates she can work, the Selectmen will then make a decision. The data collector from Avitar is finishing up.

Tax Collector N/A

Planning Board Janet Murfey reported. The planning board considered request to change meeting night to night other than Monday, the board unanimously decided to stay with Monday night meeting. Zoning Ordinance has been reviewed for accuracy and confirmed to be correct; all revisions and amendments are included in the published copy; rules and regulations will go through the same review process. Bob Bourdeau attended the last meeting and provided an informal presentation of his future plans for Moose Mountain Recreation. He reported phase I is complete, renovation of lodge. The planning board meeting moved into an extensive discussion regarding whether or not a site plan review was needed for Moose Mountain Recreation. It was determined that a site plan review had not been triggered and was not required. Mr. Bourdeau is now focusing on phase II, tubing and snowboarding park. The meeting also discussed the purpose of the planning

board as a land use board not a regulatory board; regulatory duties including ensuring that all required permits are in place is the responsibility of the Selectmen and CEO.

**Forest Fire
Warden**

Doug Vanderpool presented a copy of quote for new foam pump for town forest truck. The current foam pump has a crack; they are trying to repair it, if it can't be repaired they will need a new one. The truck can still pump water. We are in a red flag warning because of high winds, there will be no burning in town until significant rains occur.

Treasurer N/A

**Trustees of
The Trust
Funds**

N/A

Town Clerk N/A

**Emergency
Mgmt.
Director**

Nothing to report.

CEO

Ed Nason reported there have been no new permits issued. Craig requested to look at Moose Mountain Recreation file, Ed will leave the file out for Craig to review.

Road Agent

Ed Nason reported. All roads have been swept. Sweeping unveiled additional pot holes, cold patching of these pot holes will occur tomorrow. Road side mowing will begin next week; this has not been done in many years. Ditching will be done upon completion of mowing. Grading of dirt roads should occur in conjunction with mowing. Culvert replacement on Mountain Road is complete, paving over culvert will occur when other paving projects in town are done. Bulletin board on Stoneham Road has been installed. Driveway permit from the State for salt shed has been applied for. Two material estimates have been received; Middleton Building Supply quote came in at \$7500, AMB lumber quote significantly more. AMB lumber asked to re-quote using square edge as opposed to tongue & groove, they had done another project this way, it has held up well. Both companies are re-quoting using square edge; Ed expects the price to drop significantly. The town truck required over \$700 in repairs in order to get inspected and then another \$400 of additional work was required.

Moderator

Dick Peckham reported we had 39% voter turnout at the special election on April 21st. Two new voters were registered.

Archivist

Nothing to report.

**Conservation
Commission**

John Nelson reported. The board is in the process of polling members to determine if meeting time can be changed to an evening meeting; the board currently meets at 4:00 pm. No decision has been made to date. Town cleanup day was discussed, given the short notice and lack of interest it was decided not to move forward with this. They are looking for clarification on maps regarding current use land and conservation land; currently they are marked as the same. The next meeting is May 6th.

**Cable
Committee**

N/A

**Parks &
Playground**

N/A

GWRSD Ernie reported that the building & maintenance committee is meeting with teachers and department heads regarding the renovation project, adjustments are being made based on suggestions. Lots of input is being received.

Road Committee Nothing to report

Agricultural Commission Janet Murfey reported. The state is talking about merging Fish & Game and the Department of Agriculture.

Heritage Commission Craig reported the first meeting is tomorrow, it will be an organizational meeting from 6:30 – 8:00. Meeting day and time will be determined at this meeting.

Other N/A

Old Business **Assignment of Selectmen Representatives to boards, committees & commissions:** Craig and Ernie will switch ZBA and Conservation Commission seats, Craig will be Selectmen's Rep. on ZBA and Ernie will be Selectmen's Rep. on Conservation Commission. Planning Board will stay the same because of meeting conflicts; Clifton will be the Selectmen's Rep. for this Board. Clifton will continue as Ag. Commission Rep. until possible new meeting date is decided. Timber monitor duties will remain with Ernie for another cycle. Gravel monitor duties will be handled by Clifton.

Other:

Pam asked if dooamage report had been handled. It is in process.

Ernie reported he has meet with Mr. Martineau regarding audit of Treasurers books as a result of transition to new Treasurer. The review is complete; he is waiting on written report.

New Business Craig suggested the Selectmen discuss the lot that is coming up for foreclosure auction on Kingswood Lake; it is a non buildable lot near the dam. The Town might want to consider the possibility of purchasing for town beach.

Craig suggested putting the town website address on the town sign in front of the town buildings. A show of hands supported this idea. A few suggestions were made regarding another location. *The Selectmen will continue to gather ideas on another location and make a decision at a later date.*

Pam presented the letter requested with the dates she would like to switch office hours.

Craig discussed Moose Mountain; he asked if anyone knew the history of how Moose Mountain began in a residential zone? Craig explained that ZBA case 1 after zoning was adopted granted a special exception to operate a ski area. Because the special exception was abandoned and all operations related to the special exception ceased therefore site plan review is required in Craig's opinion. Craig called Town Council today regarding this and was told that if ZBA exception has been abandoned then a site plan review is required. This comment triggered a lengthy discussion as to whether site plan review is required. Janet provided her opinion that zoning has changed since special exception was granted, there is now a recreation zone so the special exception is no longer needed; there was no recreation zone when the special exception was originally issued. Janet further explained that the planning board sub-committee is currently working on further defining recreation zone. Brief discussions continued with Craig reading the case 1 variance and Clifton reading the ZBA ordinance regarding recreation zone and site plan review. Ed

reviewed the updates Mr. Bourdeau has done to the property to date, explaining that none of these updates triggered site plan review. ***The Selectmen and Planning Board Subcommittee requested copies of all documents Craig has collected regarding Mouse Mountain.*** Craig suggests we receive the opinion of Town Council to make sure I's are dotted and T's crossed. ***Clifton will speak with Town Council.***

Brad questioned as a tax payer who is allowed to contact Town Council, he is concerned over increasing legal costs. The Selectmen reported that any of the Selectmen can contact Town Council, Boards and Commissions are limited to only having the chair contact Town Council.

Mail Reviewed. Thank you letter from Bloomers read. Clifton was contacted regarding yearly service on generator, the fee will be no greater than \$150.00, the Selectmen agreed to have the service performed.

Meeting adjourned at 9:45 pm.

Respectfully submitted,

Jennifer Sonricker
Administrative Assistant