

Franeestown Board of Selectmen

Meeting Minutes

October 4, 2010

The meeting being properly posted, and McAuley, Hardwick and S. Carbee present constituting a quorum, McAuley called the meeting to order at 6:30 p.m.

Public Present: Kris Stewart, Tom Anderson, Barbara Jean Carbee, Polly Freese and Lisa Bourbeau.

6:30 p.m. FEMA –

FEMA Representatives Jack Moorehouse and Lance Harbor along with Dave Gates and Gary Paige met with the Board to sign the grant agreement for the Russell Station Road Bridge. The Town was awarded a grant in the amount of \$567,683.00, which represents the Federal share; the Town is responsible for \$189,227.00. The completion date for the project is December 31, 2012. McAuley inquired if the Town was required to put the project out to bid. FEMA advised that the Board of Selectmen would act as the General Contractors for the project and they do not require it to be put out to bid, it must stay within the scope of work that was on the application. Gary has talked with Chris Danforth who seemed interested he will talk with him again to discuss his schedule, costs and billing schedule. It was agreed to have Gary meet with the appropriate parties and report back to the Board. Gary would like to start the permit process immediately, as the permitting process can take up to 6 months.

McAuley moved to approve the Town Hall rental application for the Community Church. S. Carbee seconded. Approved 3-0.

McAuley moved to approve the request to the Trustees of the Trust Fund for the withdrawal of funds from Capital Reserves Funds. Hardwick seconded. Approved 3-0.

McAuley moved to approve the check manifests for 10/04/2010. S. Carbee seconded. Approved 3-0.

McAuley moved to approve the building permit application for New Cingular Wireless. Hardwick seconded. Approved 3-0.

McAuley moved to approve the minutes of 9/27/2010. S. Carbee seconded. Approved 3-0.

Pat Terry had phoned the office today to advise that they are working on the lights. He advised that their intent is to have the lighting issue complete prior to opening. He is willing to come in to discuss further. The Board agreed that they would like to go out to the mountain prior to them opening to be sure that the lights are acceptable. The Board agreed to schedule a site visit on Monday, November 1, 2010.

FBOS 10/4/2010 meeting minutes cont.

Polly Freese stated that there is still a light at cemetery #2. She would like to transfer it to some place else.

S. Carbee advised that he was over at the Town Hall and there is a lot of stuff that needs to be brought to the Transfer Station prior to the Town Hall Study Charrette on Nov. 16. It was agreed to have George remove the items. He also stated that the old Selectmen's office needs to be gone through and that the old maps need to be brought back to the Town Office.

Barbara Jean Carbee stated that a few years ago there was a Charrette, she would like to know if that info was given to the Heritage Commission. Sara Pyle was the Chairman at that time Betsy will check with her.

S. Carbee advised that the spotlight at the Town Hall is together. S. Carbee and McAuley agreed to put it up after the meeting next week.

Lisa Bourbeau gave a letter the Board. She is requesting a response. The Board will discuss next week.

McAuley moved to adjourn. Meeting adjourned at 7:30 p.m.

Respectfully submitted,

Sherry Miller

Francetown Zoning Board
Proposed Minutes
October 14, 2010

Members Present: Silas Little (Chair), Abigail Arnold, Lois Leavitt and Charles Pyle

Meeting opens at 7:35 p.m.

Mr. Little opens the meeting by stating that the purpose is to consider an application for rehearing by the Board of Selectmen (BOS), originally submitted September 21 and supplemented October 4.

Board members identify themselves; Little notes same Board that heard original application for variance by Mr. Farrell.

Board members have received copies of BOS letters. Procedurally Board needs to find by a 3-1 votes there are grounds to go forward with a rehearing. If not, the end of it.

Pyle asks Arnold and Leavitt if they received copies of the October 4 letter.

Arnold did not realize a court case on-going, not sure if relevant. Little not relevant. Not sure of purpose of case. Possibly caused by cease and desist concerning that Board considered. To get Mr. Farrell to appear before ZBA.

Board needs to determine of facts presented by BOS should aired at a further public hearing. Board does not have to grant a hearing if it does not want to.

Pyle states “we talked about everything here” in the letter. “We reviewed the criteria for granting a variance”. Little agrees. Conservation Commission (ConCom) and Mrs. Carbee (abutter) offered their opinions.

Ms. Arnold states the only grounds might be any inaccuracy of facts at the hearing. Mr. Little whether Ludwig was involved or not, is not as important as the only place to put structure would be between house and road. Given the character of the neighborhood, the situation of the house, it’s proximity to wetlands and similar properties in the neighborhood. He mentions a recent federal court case discussion on the spirit of ordinance and substantial justice criteria. Issue is a Distinguishing change to character of the neighborhood by the granting of the variance. Not sure that granting of the variance is that inconsistent with the character of this neighborhood.

Arnold does not believe it is a compelling argument

Little notes that Board addressed the concerns of ConCom with conditions. Ms Arnold, conditions were important

Pyle moves that the Board deny the application for a rehearing, Arnold seconds; all in favor. Rehearing is denied 4-0. Little notes right to appeal to Superior Court.

Mr. Little shares with the Board information on the appeal by Jones & Simakova to Superior Court regarding the cell tower on Dennison Pond Road.

Discussion about buying new planning and zoning books. Little wonders whether any changes. He will try to figure out. If no major changes Pyle suggests we need only a couple of new books for BOS, PB and ZBA.

Peter Hopkins, Code enforcement Officer, asks to address the Board. Request that, if a case is being considered that he is involved in, he would like to be notified. Little notes that this is not an appeal of an administrative decision; otherwise he would have been notified. Board was not aware of his involvement. Mr. Hopkins asks that Board notify him of pending applications. Little notes that BOS and Town should notify the Board of any zoning "scofflaws". He adds that by statute Board is required to notify applicant and abutters and in this Town the Conservation Commission. Reminds everyone that Board meets second Thursday of every month and generally cases involve someone seeking relief from some aspect of zoning laws. Mr., Pyle adds that he had informed selectmen individually and as a group prior to the first hearing.

Public meeting is closed at 8:35 p.m.

Respectfully submitted,

Charles M. Pyle
Vice Chairman, Frankestown Zoning Board of Adjustment

October 15, 2010