

CITY COUNCIL MEETING

AGENDA ITEM III



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

*City Council Meeting May 2015*

**From:** Elizabeth Dragon – City Manager

**Subject:** City Council to consider the granting of a Discretionary Preservation Easement for 2 Punch Brook Road (James Blunt) Map#103 Lot#006-00

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**May Meeting-**

Councilor moves:

“I move that the Franklin City Council schedule a public hearing on Monday June 1, 2105, beginning at 6:05pm in the Council Chambers, Franklin City Hall concerning a Discretionary Preservation Easement application for 2 Punch Brook Road”

Mayor calls for a second, discussion, and vote.

**June Meeting-**

Councilor moves: I move the Franklin City Council approve the application for Tax Map #103, lot #006-00 2 punch brook road for a Discretionary preservation easement.”

Or

“I move the Franklin City Council denies the application for Tax Map #103, lot #006-00 2 punch brook road for a Discretionary preservation easement”

Mayor calls for a second, discussion, and vote.

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**Discussion:** In the past the city council has had four requests for discretionary preservation easements three were denied and one was approved (at 25% reduction in value). The procedure requires a public hearing to be scheduled and then after the public hearing a decision can be made by the council.

The property has been inspected by the city assessor.

**Attachments/Exhibits:**

1. Property card & Map
2. Easement application
3. Pictures of the barn



CITY OF FRANKLIN, NEW HAMPSHIRE  
*"The Three Rivers City"*

Assessing  
124 Memorial Street  
Franklin New Hampshire 03235

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**MEMO**

TO: City Manager, Elizabeth Dragon & Members of the City Council  
FROM: City Assessor, J. Roy Smith  
RE: Discretionary Preservation Easement Application  
DATE: April 28, 2015

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The attached application was received by the assessing office on April 14, 2015.

The deadline to apply, per RSA 79-D, is April 15<sup>th</sup>. The city must hold a public hearing and act on the application within 60 days.

The property is located on the old original Punch Brook Road layout. The barn is a 150 year old Antique English Barn. The barn was originally from Vermont where it was dismantled then moved to Franklin and reconstructed. The taxpayer is in the process of restoring the barn. The front of the barn has been restored and the interior is well maintained. The roof and exterior walls will be replaced with cedar shingles. Enclosed are pictures taken of the barn and property.

To date the council has received three prior applications. Two were denied and one was approved at a rate of 25% of the full assessed value of the barn and the land beneath it.

For any other questions or information don't hesitate to contact our office.

J. Roy Smith

Assessing Department

The City Council for the City of Franklin will consider requests for Discretionary Preservation Easements based on the provisions of RSA 79-D. Applications submitted will be acted upon by the City Council within sixty (60) days of receipt of application. Should a Discretionary Preservation Easement be granted by the Franklin City Council under RSA-79, it would be based on a ten-year agreement and a six-tier percentage as follows:

- Excellent Condition: -75%, (pristine)
- Good Condition: -65% (good maintenance program)
- Average Condition: -55% (normal maintenance)
- Fair Condition: -45% (deferred maintenance)
- Poor Condition: -35% (poor or no maintenance program)
- Very Poor Condition: -25% (neglected)

The Franklin City Council retains all authority to grant or deny Discretionary Preservation Easements as well as the percentage applied with the recommendation of the City Assessor.

NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION  
DISCRETIONARY PRESERVATION EASEMENT APPLICATION  
INSTRUCTIONS

<p><b>STATUTE &amp; ADMINISTRATIVE RULE</b></p>	<p>RSA 79-D Discretionary Preservation Easements Rev 605.15 Form PA-36A, Discretionary Preservation Easement Application</p>
<p><b>WHO MUST FILE</b></p>	<p>Any owner of a historic agricultural structure, currently or formerly used for agricultural purposes, which meets one of the tests of public benefit in RSA 79-D:3, II.</p>
<p><b>WHEN TO FILE</b></p>	<p>The owner of the property must file this form with the municipality on or before April 15 of the tax year.</p>
<p><b>WHAT TO FILE</b></p>	<ul style="list-style-type: none"> <li>☆ Form PA-36A, Discretionary Preservation Easement Application</li> <li>☆ Map showing location of structure and land to be subject to the discretionary preservation easement</li> <li>☆ Description of how property meets one of the tests of public benefit in RSA 79-D:3</li> </ul>
<p><b>TEST OF PUBLIC BENEFIT</b></p>	<p>The historic agricultural structure must provide at least one of the following benefits:</p> <ul style="list-style-type: none"> <li>☆ Scenic enjoyment of the structure by the general public from a public way or from public waters;</li> <li>☆ Is historically important on a local, regional, state or national level, either independently or within an historic district; or</li> <li>☆ The structure's physical or aesthetic features contribute to the historic or cultural integrity of a property listed on or determined eligible for listing on the National Register of Historic Places, State Register of Historic Places, or locally designated historic district.</li> </ul>
<p><b>HISTORIC AGRICULTURAL STRUCTURES</b></p>	<p>The advisory committee established under RSA 227-C:29 has established the following definitions for "historic agricultural structures."</p> <p><b>Historic:</b> Agricultural structures must be at least 75 years of age. Exceptions may be made for newer structures if they are considered to be of exceptional significance or importance.</p> <p><b>Agricultural structures:</b> Examples include, but are not limited to, barn (separate or attached), blacksmith shop, carriage house, cider mill, corn crib, creamery, Delco house, equipment or machine shed, farm stand, farrier or harness shop, granary, greenhouse, grist mill, hop house, ice house, milk house, piggery, poultry barn or coop, sawmill, silo, stable, sugar house, tool shed, wagon shed, well or spring house, windmill house, or woodshed.</p> <p><b>Barn:</b> shall mean a building constructed to shelter livestock, equipment, feed or other farm products. It may be free-standing or connected to one or more structures.</p> <p><b>Land necessary for the function of the building:</b> shall consist of the footprint of the building and of any ramps or banks which are or were needed to support the structure and its operations.</p>
<p><b>APPROVAL/ DENIAL</b></p>	<p>If, after a duly noticed public hearing, the local governing body finds that the acquisition of the proposed easement is consistent with the purposes of 79-D, it may take steps to acquire the easement.</p> <p>The local governing body may weigh the public benefit to be obtained versus the tax revenue to be lost if such an easement is granted.</p> <p>The governing body shall have no more than 60 days to act upon the application.</p>
<p><b>EASEMENT TERMS</b></p>	<p>Any discretionary preservation easement acquired by a municipality shall be for a minimum of ten years and shall include the:</p> <ul style="list-style-type: none"> <li>☆ Method of assessment;</li> <li>☆ Terms of expiration; and</li> <li>☆ Terms of renewal.</li> </ul>
<p><b>ASSESSMENT DISCRETIONARY PRESERVATION EASEMENTS</b></p>	<p>The assessment of discretionary easement structures and land shall be within the following range:</p> <ul style="list-style-type: none"> <li>☆ One end of the range shall be 25 percent of the full value assessment.</li> <li>☆ The other end of the range shall be 75 percent of the full value assessment.</li> </ul>
<p><b>RECORDING</b></p>	<p>The local governing body shall provide for the recording of any discretionary preservation easement with the register of deeds. Any costs of recording shall be the responsibility of the applicant.</p>
<p><b>APPEAL PROCEDURE</b></p>	<p>The local governing body's decision to deny the application to grant a discretionary preservation easement may be appealed in accordance with RSA 79-A:9 and 79-A:11 to either the N.H. Board of Tax and Land Appeals or the Superior Court of the county in which the property is located within six months of notice of denial. A denial by the governing body shall be deemed discretionary and shall not be set aside by the N.H. Board of Tax and Land Appeals or the Superior Court except for bad faith, discrimination, or the application of criteria other than those set forth in statute.</p>

FORM

PA-36-A

NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION  
**DISCRETIONARY PRESERVATION EASEMENT APPLICATION**

**STEP 1 PROPERTY OWNER (S)**

PLEASE TYPE OR PRINT	LAST NAME <b>Blout</b>		FIRST NAME <b>James</b>	
	LAST NAME		FIRST NAME	
	STREET ADDRESS <b>2 Punch Brook Road</b>			
	STREET (continued)			
	TOWN/CITY <b>Franklin</b>		STATE <b>NH</b>	ZIP CODE <b>03235</b>

**STEP 2 PROPERTY LOCATION OF LAND AND HISTORIC AGRICULTURAL STRUCTURE BEING CLASSIFIED**

PLEASE TYPE OR PRINT	STREET <b>2 Punch Brook Road</b>				
	TOWN/CITY <b>Franklin</b>			COUNTY <b>Merrimack</b>	
	NUMBER OF ACRES <b>13.66</b>	MAP # <b>103</b>	LOT # <b>006-00</b>	BOOK # <b>3443</b>	PAGE # <b>670</b>
	CHECK ONE: Original Application <input checked="" type="checkbox"/> Renewal <input type="checkbox"/>			Tax Year <b>2015</b>	

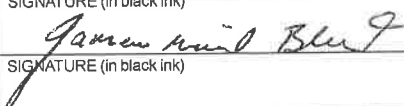
**STEP 3 REASON FOR DISCRETIONARY PRESERVATION EASEMENT APPLICATION**

Describe how the Historic Agricultural Structure meets one of the tests of public benefit per RSA 79-D:3. Submit additional sheets, if necessary.

The structure (Barn) is over 150 yrs. old that the previous owner Mr. Whittemore bought from Vermont and shipped to Franklin after the original burnt down.

How many square feet will be subject to the easement? **800**

**STEP 4 SIGNATURES OF ALL PROPERTY OWNERS OF RECORD**

TYPE OR PRINT NAME (in black ink) <b>James M. Blout</b>	SIGNATURE (in black ink) 	DATE <b>04/14/15</b>
TYPE OR PRINT NAME (in black ink)	SIGNATURE (in black ink)	DATE
TYPE OR PRINT NAME (in black ink)	SIGNATURE (in black ink)	DATE
TYPE OR PRINT NAME (in black ink)	SIGNATURE (in black ink)	DATE

NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION  
**DISCRETIONARY PRESERVATION EASEMENT APPLICATION**  
 (CONTINUED)

**STEP 5 TO BE COMPLETED BY THE LOCAL ASSESSORS**

<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	Pending approval of Discretionary Preservation Easement Agreement by landowner and assessing officials.
Comments:	

**STEP 6 APPROVAL OF A MAJORITY OF SELECTMEN/ASSESSORS**

TYPE OR PRINT NAME (in black ink)	SIGNATURE (in black ink)	DATE

**STEP 7 DOCUMENTATION**

Is a map of the entire parcel showing the property location, orientation, overall boundaries and acreages clearly showing easement area requested submitted?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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2 PUNCH BROOK ROAD MAP/LOT: 103-006-00 55 ZONING: I-1 LIVING UNITS: 1 CLASS: R - 101 CARD # 1 OF 1

CURRENT OWNER/ADDRESS

BLOUNT, JAMES M  
2 PUNCH BROOK ROAD  
FRANKLIN NH 03235

DEED BOOK: 3443  
DEED PAGE: 670  
DEED DATE: 20140611

LAND DATA:  
TYPE LINEAR W.F.

PRIMARY 1.000  
SECONDARY 2.000  
MARSH/WASTE 1.000  
RESIDUAL 9.600  
TOT. ACRE 13.600

INFLUENCE FACTORS  
0 0 0 0  
TOPOGRAPHY 0  
TOPOGRAPHY 0  
0 0 0

LAND VALUE

36,000  
12,960  
300  
10,560

TOTAL LAND VALUE: 59,800

NBHD ID: 104.00

ASSESSMENT INFORMATION -  
PRIOR 59,900  
CURRENT 59,800

LAND BUILDING TOTAL 99,900  
137,720  
PROPERTY VISIT HISTORY -  
20140715 SM MEASURE ONLY  
20130909 PM OCC. NOT HOME  
20080613 TC UPDATE

Sale info not verified by assessor's office

PERMIT DATA:

Date	Type	Price	Valid	Date	#	Amount	Purpose
20140611	LAND + BLDG	170,000	90				
20010725	LAND + BLDG		W				

DWELLING DATA:

Style: CAPE  
Story Ht. 1.00  
Attic: FULL FINISH  
Walls: FRAME  
Bedrooms: 3  
Total Rooms: 6  
Full Baths: 1  
Half Baths: 1  
Add'l Fixtures: 7  
Total Fixtures: 7  
Basement: FULL  
Fin Bsmt. Living Area: 0  
Basement Rec Room Area: 0  
Heating System: OIL  
Heating Type: BASIC  
FIREPLACE WB: 2 / 2 Mtl:  
Basement Garage (# Cars) 1102  
Ground Flr Area: 1768  
Total Living Area: 1768  
Quality Grade: C+  
Condition: FAIR  
Marketability: AV  
Year Built: 1890  
Eff. Year Built:  
Unfinished Area:  
Unheated Area:

COST APPROACH COMPUTATIONS  
Base Price 106,400  
Plumbing 2280  
Additions 15,800  
Unfin. Area  
Basement 18,150  
Attic  
Heat/AC Adj. 11,400  
FBLA  
Rec Rm  
Fireplace  
Bsmt. Gar.  
SUBTOTAL 154,030  
Grade Factor 1.05  
C & D Factor  
TOTAL RCN 161,730  
% Good 0.65  
Market Adj.  
Ecnom Obslcn -10  
Functn Obslcn  
Nbhd/Style Adj. 1.00  
Under Constcn %  
TOTAL RCNLD 94,600

OUTBUILDING DATA

Type	Qty	Yr	Size1	Size2	Grd	Cond	Ma	Value
AB2	1	1890	24	36	C	F		\$3,950
WD1	1	2002	12	28	C	A		\$1,340

VALUE FLAG:9

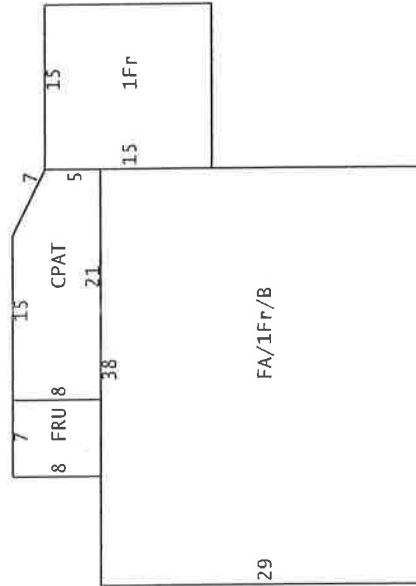
NOTES:  
LONG DRIVEWAY  
LAND IN CU

OUTBUILDING TOTAL: \$5,300  
House Color: 5 BROWN

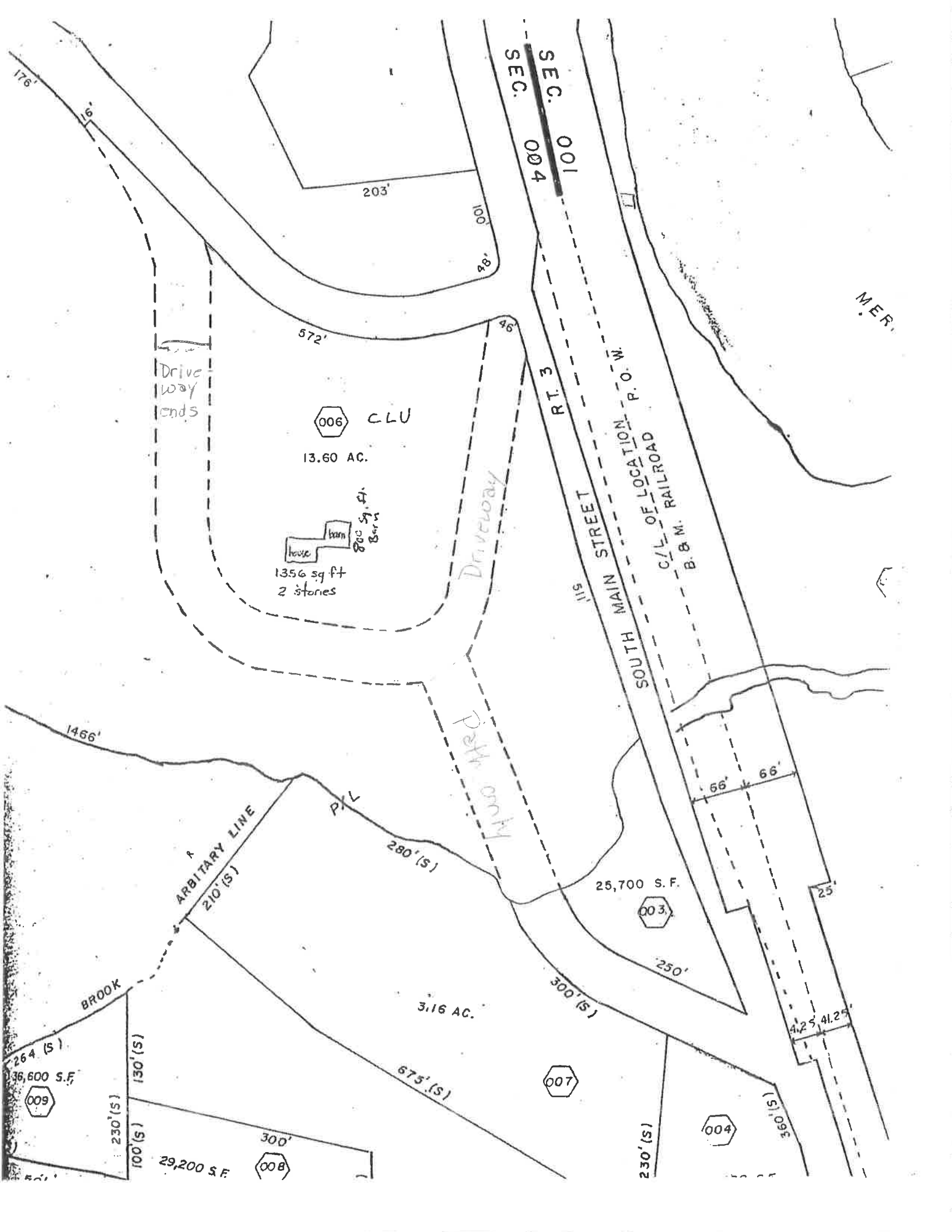
MAP SHEET # T7

ADDITION DATA:

Lower Level	First Floor	Second Floor	Third Floor	Area	Value
A	1s Frame			225	14000
B	Frm Util Bld			56	900
C	Conc Patio			159	900
D					00
E					00
F					00
G					00
H					00







SEC. 001  
SEC. 004

MER.

Drive way ends

006 CLU

13.60 AC.

house  
1356 sq ft  
2 stories  
barn  
800 sq ft  
Barn

Driveway  
P/L  
only

RT. 3

SOUTH MAIN STREET  
111'

C/L OF LOCATION P.O.W.  
C/L OF RAILROAD B.M.

1466'

ARBITRARY LINE  
210'(S)

P/L

280'(S)

25,700 S.F.

003

66' 66'

3.16 AC.

300'(S)

250'

BROOK

264 (S)

36,800 S.F.

009

230'(S)

100'(S) 130'(S)

29,200 S.F.

300'

008

675'(S)

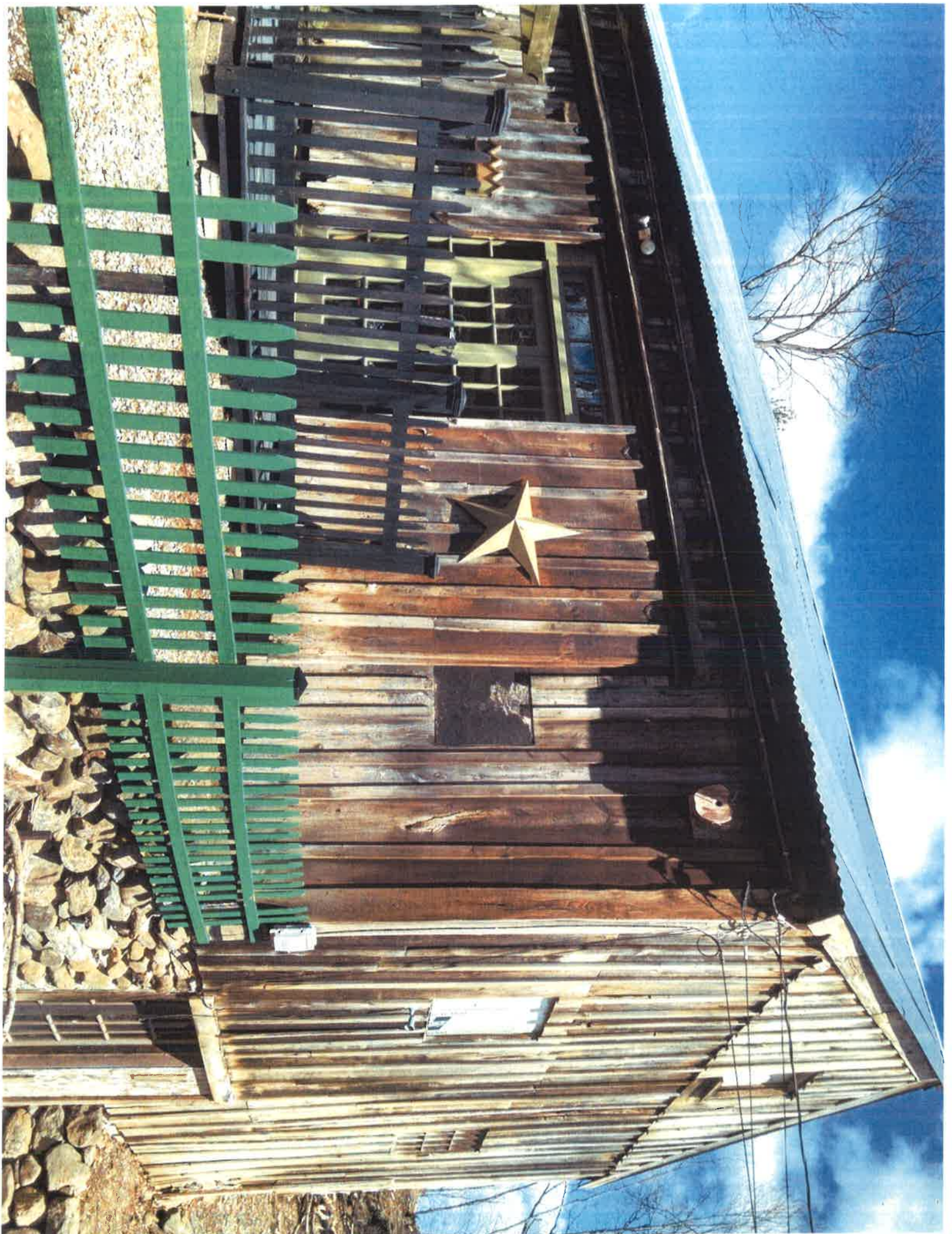
007

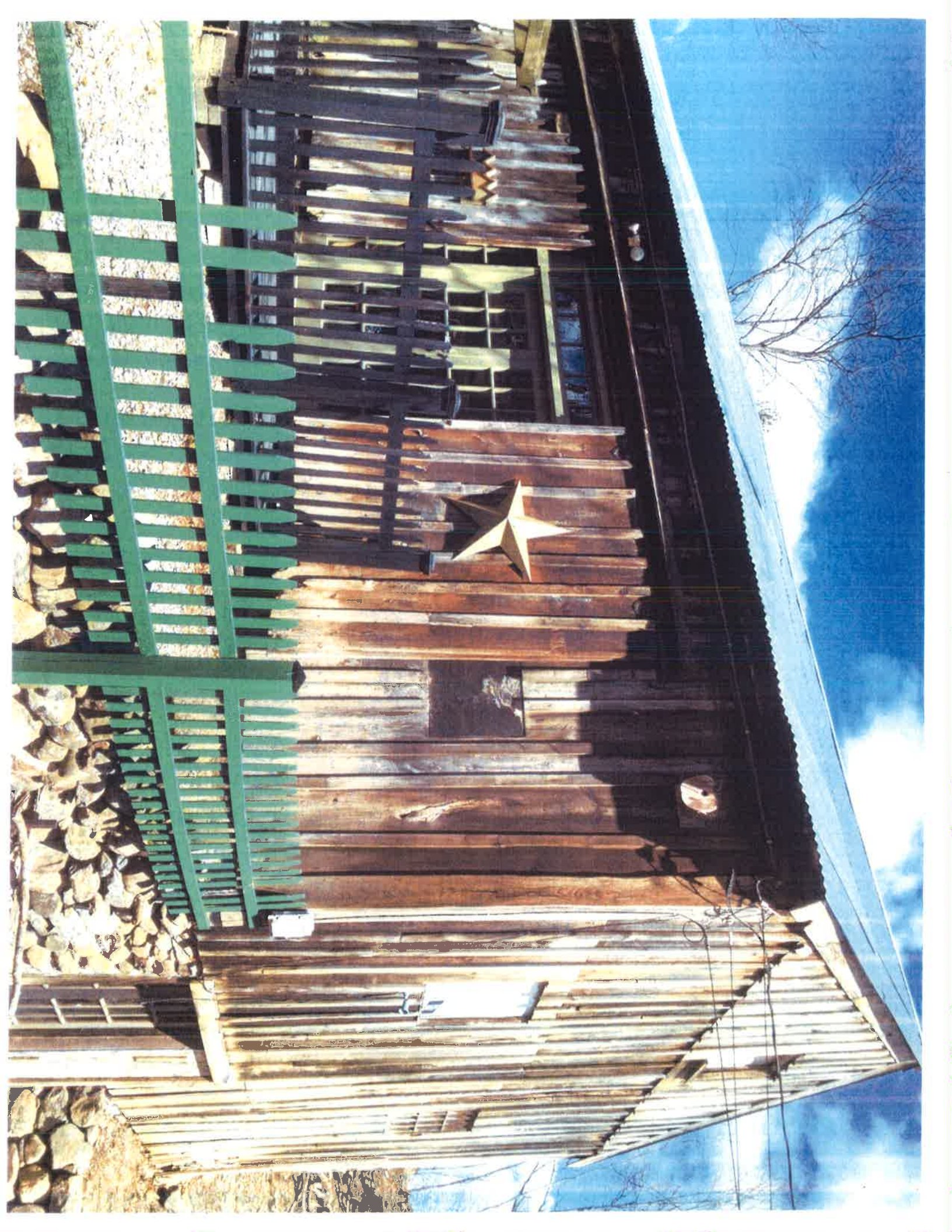
230'(S)

004

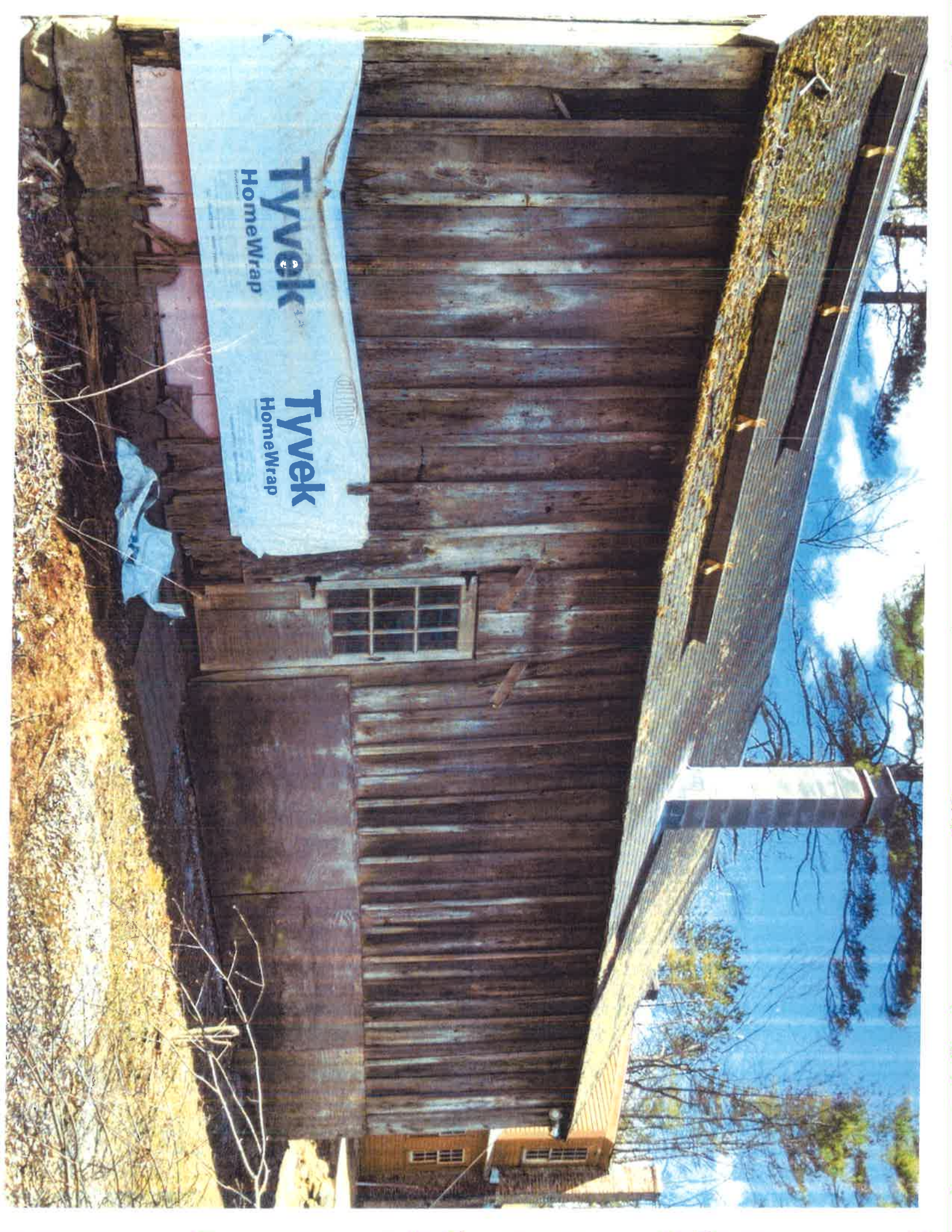
51.096'

4.25 41.25'









Tyvek  
HomeWrap

Tyvek  
HomeWrap



**STABLES**

FANFOLD

FANFOLD

FANFOLD

TURBANA

ROOF RAKE

LG



# CITY OF FRANKLIN, NEW HAMPSHIRE

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## CITY OF FRANKLIN NOTICE OF PUBLIC HEARING & MEETING

**In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearings on Monday, June 1, 2015 at 6:06 p.m. in the Council Chambers, Franklin City Hall regarding a Discretionary Preservation Easement for 2 Punch Brook Road, Map #103, Lot #006-00.**