

TOWN COUNCIL MEETING
October 6, 2008

The Town Council meeting was held in the Moose Hill Council Chambers, Town Hall, 268B Mammoth Road, Londonderry, NH.

PRESENT: Town Council: Chairman Marty Bove; Vice Chairman, Brian Farmer; Councilors Kathy Wagner, Paul DiMarco and Mike Brown; Town Manager, Dave Caron; ATM/Finance Dir., Sue Hickey and Margo Lapietro, Executive Assistant.

CALL TO ORDER – PUBLIC SESSION

Chairman Above opened the meeting at 7:01 PM with the Pledge of Allegiance. This was followed by a moment of silence for the men and women fighting for our country.

PUBLIC HEARING

Councilor Brown made a motion to go open the public hearing. Second by Councilor DiMarco, Council’s vote 5-0-0.

Ordinance #2008-11 – Relative to an Amendment to the Zoning Ordinance Regarding Historic Overlay District

Councilor Wagner recused herself. Community Planning Director, Andre Garron said he received overwhelming information from the public meeting held on 9/25/08. He informed the Council that the bulk of the Ordinance was re-done by the Planning Board. A small section dealing with Section 4.1.7 for dimensional relief special exception of the proposed ordinance was considered separately, as being acceptable. Councilor Brown said that was mostly correct but he wanted to continue the public hearing to include all of the Ordinance. Councilor Farmer clarified that they wanted to include dimensional relief for discussion. Councilor DiMarco said it was his suggestion to deal with Section 4.1.7 dealing with dimensional relief only. Chairman Bove said we should start with Section 4.1.7 and then review the rest of the Ordinance. Town Planner, Tim Thompson reviewed the dimensional relief portion. He stated many of the homes and structures being considered for this ordinance were constructed well before the adoption of zoning in Londonderry and do not comply with today’s dimensional requirements and zoning setbacks. This new section will allow the ZBA to grant special exceptions for dimensional relief for these historical properties instead of requiring a variance which is the current requirement for dimensional relief. The special exception may be granted to reduce setback requirements for historic structures subject to the following conditions:

- 4.1.7.1 Structure must meet the definition of “Historic Structure
- 4.1.7.2.1 The ZBA finds that the proposed construction will not make the structure eligible for listing in the Historic Properties Taskforce Report
- 4.1.7.2.2 The Historic District Comm. determines that the structure remains eligible despite the modifications.
- 4.1.7.3 Proposed construction be designed to blend architecturally with the structures existing historic nature. Elevation drawings must be submitted to ZBA.
- 4.1.7.4 Locating an addition in conformance with the setback requirements would significantly impact existing vegetation, views from the residence, use of the yard, or site circulation.

4.1.7.5 Proposed construction/addition must be set back at least 10 feet from any existing building located on the lot or an adjacent lot for fire code purposes

4.1.7.6 The proposal must be reviewed and recommended by the Historic District Commission prior to the ZBA making a determination.

Councilor DiMarco asked if this section applies to all the historic homes, T. Thompson replied all 139 of the designated historic structures will be eligible for this dimensional relief. Councilor Brown said this is disconnected from a commercial application being allowed at these structures, simply a codification of zoning ordinance to handle requests for dimensional relief. T. Thompson clarified that this section has nothing to do with the use of property; it is purely for setback relief. Councilor Farmer asked for examples of what could be done with this ordinance. T Thompson said there could be an extra bedroom, family addition, garage, etc. This ordinance allows older homes who are not up to code currently, to receive special exceptions. Councilor Farmer said he would like to add to section 4.1.7 the date of the entry of the ordinance. T. Thompson said it has been modified three times, believes last time was 3/08. Councilor DiMarco said he was fine with putting in a date. Councilor Brown re-stated that the homes pre-date the 1963 zoning codes, they are already in violation of current codes; this is a positive change to provide relief to home owners. It is a positive change to keep the historic structures. Councilor DiMarco agrees current zoning does not allow the homeowners to make changes, this would allow them to do that. Art Rugg, Planning Board Chairman said that this ordinance has been reviewed by the Historic Housing Taskforce. Open for discussion. Dennis Griffin, 211 Mammoth Rd. agreed it was a good idea. He asked to add to 4.1.7 that it “only applies to residential use and is not for the conduct of any business activity”. He said he does not want to have retail stores but wants to allow the homeowner the same uses any homeowner could have. Councilor Farmer said 4.1.6 is specific. T. Thompson said it is very specific, the difference in this Ordinance is that out of all 139 properties there is a mix of different zoning districts for location of all these properties. If the structure is already in a residential district they would not be able to use commercially without going further for a variance for that commercial use. If it is in a commercial district they have the right. Councilor Brown said permitted use for AR-1 does not allow commercial activity, it does allow home occupations by special exception. He stated the question is already taken care of in two places in the zoning regulations. D. Griffin also wanted abutters to be notified when ZBA has hearings. T. Thompson responded all special exceptions require abutters to be notified. Councilor Farmer stated that everything D. Griffin asked for is already addressed. Councilor Brown said there is no change with this section. Al Baldasaro, 41 Hall Rd. stated that people moved into residential areas on purpose. It is not right to have commercial buildings next to residential. He said he is willing to sit with the Historic Assoc. to draft legislation and submit it to the state to find some kind of relief with some type of tax incentives draft to help with the upkeep of old homes. **Councilor Farmer made a motion to amend 4.1.7 to add after “Task Force Summary & Recommendations Report” add “dated 3/08 or as amended by the Historic District Commission.” Seconded by Councilor DiMarco, Council’s vote on amendment 4-0-0. Councilor Farmer made a motion to accept the ordinance as amendment. Seconded by Councilor DiMarco, Council’s vote 4-0-0. (Councilor Wagner recused herself from both votes.)** T. Thompson reviewed all changes made at the Council hearing of 9/15/08 and today. Changes made based on feedback from hearing.

Purpose and intent section clarified

Removed Map 1 lot 62, from the Historic Overlay District (HOD)

Added new section related to limitations on conditional uses.

- Added criteria for Conditional Use permits
- Removed all language referring to “new buildings”
- Clarified language related to signage and lighting
- Removed “restaurant” from table of permitted uses.

He proceeded to review in detail all the above changes. Discussion ensued. Councilor DiMarco reviewed definition of a Historic Site on page 16 of the ordinance and suggested after item #4 adding the word “or” at the end of the sentence. T. Thompson said he would do that. He asked for clarification on item #5, T. Thompson said it was added by the Historic Properties Task Force. Steve Young, 7 Fiddlers Ridge, a member of the taskforce said it was added because there might be historically significant buildings like the old MHT terminal that should be saved. Councilor Brown asked why not remove retail, restaurant was removed why wasn't all commercial applications removed. T. Thompson said he was trying to strike a balance between removing everything and finding some limitations to those commercial uses. Councilor Brown said it is not the right thing to do to insert commercial in a residential area. The framework is already laid out for home occupation by special exception. He proceeded to read a section of the zoning regulations. He restated his position that he wants retail, professional office and service establishment removed when it goes back to the Planning Board. He said he does not have an issue with multi-family dwelling – 3 unit; or adult daycare. Councilor Farmer said he has the same question and concern, why not have a bed and breakfast, T. Thompson replied they are already allowed in AR-1 district. T. Thompson said the 16 properties we are talking about are all AR-1 except one on Parmenter Rd. which is also currently in the POD. Councilor Farmer agreed with Councilor Brown - no retail, no service related, he agrees to allowing professional office. Councilor Brown said quite a few of the service applications are already covered under the home occupation, does not come close to 2500ft. In a 3000 sf. home in our zoning ordinance the maximum s.f. you could have for a home occupation is 750 s.f, it has to be contained in the home and does not look like a business on the outside. Dennis Griffith, 211 Mammoth Rd., said that section 2.6.4.2.2.1 wants to encourage people to use set-back relief as a last resort. He discussed the current use for Twin Gate. The current owner of Twin Gate in 2007 paid \$1M for the property. The Town Assessor said the property is in current use it does not get re-assessed. D. Griffin said they pay \$87.00/yr for 18 acres. He asked if they use a portion of the property will it still be in current use, where is the benefit if something is built. Town Manager Caron said current use is a mechanism to preserve open space. If they change the use they will pay a penalty of 10% of the fair market value of the property which you use, if you use enough land so that the remainder is less than 10 acres remaining in current use, then entire land will come out of current use and they will pay a penalty on the entire land per state law. He said the property under the house is taxed at the regular house values. T. Thompson explained all overlay districts get applied to the entire lot. The criteria and requirements are specifically related to the building, any additions and any associated site improvements would have to go through the site plan process. If a lot is subdivided wherever historic structure remains that lot would be part of HOD, subdivided land would not be part of HOD it will be under the underlying zoning. D. Griffin said conditional use permit is confusing, asked if abutters will be notified, asked if an addition is added and work is stopped before it is finished, is town responsible to finish. He questioned if barn and house constitute mixed commercial use. T. Thompson said Historic District has discretionary powers and they will define the historic value of the property. Abutters will be notified, and town has no control if work is not finished. Councilor Farmer stated that Council is not voting on this ordinance tonight, it is going back to the Planning Board. D. Griffin said he would like to have a public meeting with the Heritage Commission. Councilor DiMarco responded that meetings are public and posted on the town website calendar. Janet Griffin

stated she is against retail and commercial uses in the HOD. She said there is no exact definition on what is going in there. Historic District has too much discretionary power. Tom Board, 16 Crosby Lane said a lot of hard work went into this ordinance. He stated that commercial and retail are already located on 102, gateway to the town center. Too late to address Twin Gate, and the Arabian Horse Farm on Buttrick is gone. He asked if we allow retail sales in the HOD what are not accepted examples. T. Thompson said convenience store, appliance store, are examples but it is at the discretionary power of the Historic District/Planning Board. T. Board asked why not let town vote on this ordinance. Councilor Brown said our form of government allows the Council to make changes. Councilor Farmer said there is a provision in the Town Charter whereby the citizens can overturn the Council's decision. A. Garron thanked T. Board for his comments, there was a lot of work done and explained the process that was involved. He also stated that legal counsel advised that if we allowed historic structures to be used commercially it would avoid spot zoning. Chairman Bove said if people want to get more involved, volunteer on boards, all positions are listed on website. Steve Young, 7 Fiddlers Ridge said the intent of the original HOD was to voluntarily preserve historic architecture in Londonderry. The direction the Ordinance is taking is to tear down old homes. Cathy Lynch, 194 Mammoth Rd said other homeowners don't have the same rights because they don't own an old home, asked if anything in the Master Plan for her. She asked why isn't it considered spot zoning for the HOD? She said she had a neighbor who wanted to put a real estate office in his house but was refused the home occupation certificate because he was told it would be spot zoning. She asked what is the difference? Councilor Farmer explained that house was an AR-1 property, the use he wanted to apply to it is not allowed in that zoning. There is very specific criteria that has to be met, it has to be a compelling reason for changes, that means no spot zoning. C. Lynch asked why only 16 homes, why wouldn't Chase Rd. be able to support the traffic if Buttrick can. Councilor Farmer said the reason they picked the 16 homes was because they were deemed least impacted. T. Thompson said the direction received from the Historic Properties Taskforce was to look at homes located on arterial roads. In Londonderry there are four arterial roads; I-93, Rtes. 128, 28, 102. A. Garron at this point explained spot zoning. He said if it is mentioned in the Master Plan that you want to designate an area to be rezoned different from what is zoned now, and if it were to be zoned that way in the future it is not spot zoning. Discussion ensued about spot zoning and the Master Plan. Councilor Brown said Master Plan is a guide, not law. Councilor Farmer stated the ordinance is heading back to the Planning Board for more revisions, it is not acceptable by Council to approve it. Ken Lynch, 194 Mammoth Rd., compared Buttrick to Chase and questioned why couldn't someone have commercial on Chase Rd. neither is considered an arterial road and Buttrick has a lot of commercial property on it. T. Thompson said there is language describing an arterial roadway and a collector roadway. A. Garron said the big difference is that Chase Rd. does not have any parcels currently zoned commercial, one is grandfathered. The area located from Buttrick to 102 were zoned commercial for a long time, we are now seeing more development because of the existing zoning. Councilor Farmer clarified that Buttrick Rd. had residential homes sitting on top of commercial zoned land. K. Lynch asked if a fire destroys a historic building can the building be rebuilt to resemble 75% of the original structure. T. Thompson replied in case of a natural disaster, owner would be able to rebuild to make it look like it was before. Councilor Bove explained that HOD is to try to come up with a reasonable procedure and guidelines to preserve old homes. This ordinance is consistent for the entire overlay district. K. Lynch said ordinance is only taking care of 16 homes, not treating other homeowners fairly. John Joyce, 196 Mammoth Rd. said he did not want to see commercial property in old homes. Marie Evans, 18 Crosby Lane, is against having retail next to her property, young kids in the neighborhood, it is a hazard to the community. Hank Peterson, 28 Peabody Row asked for a clear definition of what commercial development would be like in the

years ahead. He used Twin Gates as an example. Twin Gates has 22 acres, is in current use, they have to have 10 acres of land in agricultural use or income of \$2,500 from that land. If that land produces \$2,500 of income then they can have less than 10 acres. If the land is taken out of current use, the land owner would pay a 10% penalty for taking it out of current use. State sets the market value for current use land. If they take out one acre from the 22 acres the whole 22 acres comes out of current use. The owner would have to re-apply if they want to put it back into current use. If they put the buildings on the 22 acres they will be assessed as buildings resulting in more taxes coming into the town. Bill Evans 18 Crosby Lane, said he was against commercial development at Twin Gate. Chairman Bove clarified with T. Thompson that the only area being developed on the 22 acres would be the area around the structure about an acre and a half located right on Mammoth Road. T. Thompson said a gated paved emergency access road will be installed to the property from Crosby Lane as indicated in the conceptual plan. A. Baldasaro asked if there is anything in writing about how far they can have for commercial. T. Thompson said it is only an estimate for Twin Gates Farm, need a plan presented to the board that goes through the process so he can only speculate how much land. A. Baldasaro expressed concern that the footprint could have a lot of parking. Chairman Bove said the HOD was giving people another option for their properties. A. Baldasaro expressed the opinion that the HOD was thrust upon the public because of one homeowner. A. Garron said the Historic Preservation Taskforce was in existence before the Housing Taskforce, they spent a year working on their report before the Housing Taskforce, so it has been in process a long time. T. Thompson said this Ordinance will be discussed at the Planning Board on the second Wednesday of November at a workshop format. A. Rugg said the Planning Board will look again at the ordinance, they received good input. He encouraged people to volunteer for the Heritage Commission. Reed Paige Clark. III asked the Council to preserve old homes. Chairman Bove read a letter received from Bob O'Keefe, 547 Mammoth Rd, in which he supported the ordinance and congratulated the Planning Board, and Community Development staff on a good job writing the proposed ordinance.

Ordinance #2008-12 – Relative to Amendments to the Zoning Ordinance Regarding Planned Residential Developments - **Councilor Farmer made a motion to waive the second reading. Councilor DiMarco made a motion to approve the ordinance. Councilor Farmer seconded the motion.** T. Thompson said this ordinance is a complete re-write of Section 3.3 which is the current residential plan development section of the zoning ordinance. It establishes a new section entitled “Conservation Subdivisions”. It creates a section dealing with purposes, objectives, general requirements, density determination, lot area and shape, setbacks, density bonus criteria, application requirements, open space requirements and road design criteria. He stated that this ordinance is an objective of the 2004 Master Plan. It was started in 2005 by intern Holly Berbe. It will be removing several definitions from Section 4.7. He proceeded to give a brief overview of the differences between a conventional sub-division and a conservation sub-division. He explained it is an incentive for people to preserve open space. Chairman Bove asked if the ordinance was subject to residential phasing? T. Thompson responded yes. Councilor DiMarco questioned how many parcels are there with 20 or more acres – T. Thompson responded about a dozen. Open for discussion. Councilor Brown said this is a way to help subsidize open space instead of tax payers paying for it. A. Rugg said it gives the Planning Board another tool for open space. **Council’s vote 5-0-0.**

Councilor Farmer made a motion to come out of the public hearing. Seconded by Councilor Wagner, Council’s vote 5-0-0.

PUBLIC COMMENT

Meg Seymour, Town Clerk/Tax Collector talked about the elections, voter registration, absentee ballots. Supervisors of the Checklist are holding extra sessions from 5-7PM on 10/14, 10/20, and from 9-12 PM on the last day 10/25. She said people can register at polls, but she strongly recommends coming into Town Hall to avoid waiting in long lines at the polls. She explained how to register through the mail.

Absentee ballots are available, over 400 have been mailed out so far. Applications are available on the town website or voters can come into her office. Chairman Bove asked how many registered voters, M. Seymour responded over 16,000. Councilor Bove asked how many showed up at last election, M. Seymour responded 12,000. Chairman Bove said they will have extra police on duty and polls will be open from 7 AM-8 PM. M. Seymour explained absentee ballots are for the handicapped or disabled, people who travel, or people who are unable to leave work to come in and vote. Discussion ensued about the declaration of polls being closed and the people in line waiting to vote. A. Baldasaro explained a printing oversight on the state committee cards, address was wrong. Moderator Cindi Rice Conley, 373 Winding Pond Rd. explained changes at voting site. For security reasons electioneers are being moved up to the north side of Mammoth Rd. directly across from the Library. A. Baldasaro questioned if that was taking away freedom of speech, he said he will challenge it. C. Conley said this change came about after discussion with LPD and their homeland security officer, school district, and LFD.

OLD BUSINESS

Order #2008-18 – Relative to Municipal Application of Road Salt – Councilor Farmer read the first reading, second reading waived, motion to adopt. Seconded by Councilor Brown. Public Works Director, Janusz Czyzowski was in attendance. Councilor DiMarco said his concern was that we were not going to not treat an icy road because it was located near Beaver Brook. If we have an ice storm we are going to do what it takes to make that road not dangerous. J. Czyzowski said he was correct. By adopting this order the town will demonstrate that they are committed to work together with NHDOT & NHDES and surrounding communities to protect the water shed by reducing salt. It is a long process and this is the first step to allow us to develop a program to reduce salt reduction. Approximately 5000 acres of Londonderry is located in the drainage area of the Beaver Brook water shed. Salt is also being used by private enterprise, NHDOT, and municipalities. We have 140 acres of parking lots in town using salt. If this is not signed it could eliminate finding some funds to help with the plan which will be 80/20 – town would have to come up with 20. Open for discussion. **Councils vote 5-0-0.**

NEW BUSINESS

Police Department Animal Control Officer Staffing Plan – Chief Joe Ryan said effective 10/1/08 Dave Simpson, the full time Animal Control Officer (AOC) will retire. Calls for service come from telecommunications, and direct calls to AOC. Calls for service for a year and a half period are about 14.4% every day of the week. 76% of calls come during 12 hour periods. He proposed not filling the full-time 40 hour position. He suggested looking at hiring two part-time officers each working 20-25 hours per week. He would save about \$9,000 in salaries and benefits, there would be an increase in training costs of \$500/person. He said he anticipates

having weekend coverage by doing this. This proposal would provide an increase in hours of coverage, decrease in salary and benefits. Councilor Farmer asked if the savings was based on 25 hour workweek. Chief Ryan responded it is based on 25 hours for each employee which is ultimately 50 hours/week as opposed to the 40. Councilor DiMarco asked if they are sworn police officers; Chief Ryan responded they are not. Councilor Brown asked what are the benefits for this kind of arrangement? Town Manager Caron said the cut-off is 35 hours for part-time personnel, social security and workmen's comp coverage only would be required for less than 35 hours. There would be part-time pro-rated sick time and vacations, no health or retirement contributions. Chairman Bove asked are they on call. Chief Ryan responded you cannot have them on call and not pay them. If they work over 40 hours that particular week then they would be paid overtime. Councilor DiMarco asked if a call comes in late at night, can they investigate it on their next shift. Chief Ryan said if it is an emergency one of the police officers on duty will respond, if not an emergency it will be dealt with the next working day. Councilor Brown asked if they would deal with horses. Chief Ryan responded our animal control by-law deals with dogs only. Councilor Farmer asked if we would see this in the upcoming budget, Town Manager Caron responded yes. Consensus was to go along with it.

Resolution 2008-19 – Relative to the Elder Affairs Committee Councilor Farmer read the first reading, second reading waived. **Councilor Farmer made a motion to accept the Resolution. Second Councilor DiMarco.** Councilor DiMarco said he is the liaison, they had one meeting with no quorum. They had more people interested than openings so he requested that the Town Manager review the Charge and allow alternates to the committee. Al Baldasaro, 41 Hall Rd., Vice Chair of Elder Affairs said it was important to have 3 alternates for a quorum. Council DiMarco said the three year term is also new. Open for discussion. **Councils vote 5-0-0.**

Resolution #2008-20 Relative to the Transfer of Historical Records - Councilor DiMarco read the first reading, second waived, and **made a motion to accept. Seconded by Councilor Wagner.** Councilor Farmer said the historical general assistance records date back to 1806 he asked up to what year. Sue Hickey responded one ledger book goes to 1902-1903 most records from are from the 1800's. Chairman Bove clarified the transfer/preservation process of the books. Town Manager Caron responded they will transfer physical possession to the Historical Society. Betsey McKinney has been consulted and they will be transferred to the Historical Society vault in the library. Open for discussion. **Council's vote 5-0-0.**

Resolution 2008-21 – Relative to the Economic Development Task Force - Councilor Wagner read the first reading, second waived, and **made motion to accept. Seconded by Councilor Brown.** Councilor Farmer reminded the Council that the first issue for the group is to look at the possibility of hiring a marketing firm. Open for discussion. **Council's vote 5-0-0.**

APPROVAL OF MINUTES

Minutes of the Council's September 15, 2008 Public Meeting. Councilor Wagner made a **motion to accept, seconded by Council DiMarco with a change on line 81.** Mr. Adams lives at 54 not 64 Hall Road. **Council's vote as amended, 5-0-0.**

OTHER BUSINESS

Liaison Reports

Councilor Brown went to Budget meeting of 9/25/08. They had Chief Ryan present information relative to the police fleet. He presented a great job validating his budget.

Councilor Farmer – Attended Conservation Commission, the sign at Kendall Pond Conservation area has been broken off the post. He asked Town Manager Caron to take a look at it.

Councilor DiMarco – Attended Traffic Safety meeting tonight, no quorum. A gentleman brought up an issue with Meadow Dr. – GPS units show it as a through street and it is not. Tractor trailers are going up the street and getting stuck because they can't turn around. Traffic Safety is going to review and make a recommendation to the Council. Could just be a sign saying no thru trucking. Historic District./Heritage Comm. reviewed proposed sign for Elliott, wanted more clarity will bring it back the District. Deb Paul had researched alternate financing for fixing up the Town Common. She found out that the Community Development. Finance Authority might have money for grants to be used to improve the common. Deb Paul, Jay Hooley, Adriana Komst and he met regarding this. There is a grant that may be suitable for this, they will continue to investigate. He informed the Council that he will be away for the 11/17/08 meeting.

Councilor Wagner had a follow-up Old Home Day meeting, went well. They will start up new meetings in January. She attended two Planning Board meetings. She also attended the dedication of re-naming of Central Fire Station to the “David A. Hicks Central Fire Station”. LFD will start a new tradition every year in October of having a memorial Sunday for firefighters..

Chairman Bove also attended the open house at LFD. He said he will call George Herrmann about a joint meeting with the School. Board, hopefully will have some plans for that at the next meeting. South Rd is still full of debris, asked Town Manager Caron if we could get a status of when it could be cleaned up.

Town Manager Report:

Town Manager Caron stated that Councilor Farmer requested an update of the Wind & Solar Exemptions that was approved by Council on 2/5/07. Resolution 2007-05 allows for a \$5K exemption off of the assessment. No one has applied for the exemption at this time and state law allows us to exempt up to the full costs of those systems. Councilor Farmer said he is looking at the possibility of construction in the airport area and offering exemptions to the full exemption for solar. He stated it might be an incentive for builders in that area. It does not offer a savings or cost to the Town but it is an opportunity to be “green” on an issue like this. He suggested changing from a \$5,000 exemption up to the full value. He said the only one who has done it is Stoneyfield Yogurt. He pointed out that the exemption only applies to the portion of the building that is solar. He suggested taking it off their tax bill. Chairman Bove asked how do you verify it and how do you know someone continues to use it. Councilor Farmer said they apply for it, would be up to the assessors department to determine if they use it. Town Manager Caron said when the Town completes its cyclical inspections, which are done every 4-5 years they can check it. Chairman Bove said before we go forward with this he would like to see what is the impact on the community. Town Manager said it differs from town to town. The Town Assessor said a typical solar system in a residential home could range from \$5K to \$35K, would

have no idea of cost to commercial, will look into it. Councilor Wagner said she is concerned about considering the Stoneyfield property, it is huge, they will benefit greatly. Councilor Farmer said the value of the assessed adage is what is being considered for the \$5K exemption. Councilor DiMarco asked why is a house being re-assessed for solar panels, a house is not re-assessed when a new furnace is installed. Councilor Farmer said he would look into it. Town Manager Caron said he will research it and get back to Council.

HB 1442 is similar to the Barn Preservation Program; it deals with the land under which the structure sits. The Town Assessor estimates there are two properties that would be eligible under current conditions and regulations established by the DRA. It would be a loss of about \$3K in tax dollars for applications for the next three years. Councilor Farmer said Hank Peterson brought it up, it is enabling legislation, offers small tax incentive to people who want to take advantage of it. The incentive is to maintain family farms. Councilor Wagner said strict regulations have to be followed. Councilor Farmer said that Town Manager Caron will have to come back with an Ordinance for it.

Rte 28/Page Rd. Intersection - DOT accepted the Town's application for the state aid reconstruction project, and will be proceeding under Order 2008-17 to sign a design contract and to develop cost estimates for inclusion in this year's budget process for consideration at 2009 Town Meeting. If approved, construction will begin in FY10 and will be reimbursed by state for 2/3 of the costs in FY11. Cash flow will be used to fund actual expenditures instead of going through a bonding process.

Community Development Dept. received site selector last Thursday morning. They are working on further modifications and corrections, and anticipate site will be available to public on 10/21. There are about 115 properties that are part of the site selector process, in the process of notifying those property owners to give them an option to opt out of all this public information.

ADJOURNMENT

Councilor DiMarco made a motion to adjourn at 10:27. Seconded Councilor Farmer, Council's vote 5-0-0.

Notes and Tapes by: Margo Lapietro Date: 10/06/08

Minutes Typed by: Margo Lapietro Date: 10/09/08

Approved; Town Council Date: 10/20/08