



**MINUTES**  
**Selectboard Meeting**  
**Tuesday, May 31, 2016 Town Meeting Room 6:00**  
**PM**

**Selectmen:** Ed Thorson, Russell Smith, Joy Nowell

**Town Personnel:** Dennis Pavlicek, Town Administrator; Pam Bryk, Administrative Assistant; Henry Thomas, Fire Chief; Peter Fitcher, ZBA Chair; Bruce Healey, Planning Board Chair; Katheryn Holmes, Conservation Commission; John Greenwood, CEO.

**Public:** Dan Wolf, Patricia Sherman, Judy Healey, David Bashaw, Fritz Hunting, Jim Beard.

**1 Public Input**

a) Jim Beard

Jim Beard introduced himself and stated that he is running for New Hampshire Senate. Jerry Little is moving on. Beard lives in Lempster, NH. In his career he has been a pilot, worked in education and sales and marketing. In Lempster, he is a Library Trustee and on the Conservation Commission.

**2 Presentations/Appointments**

a) John Greenwood - 2 Frazier Ave

Greenwood came in with a tree cutting application for the woodland buffer zone. The home is near the harbor on Frasier Avenue. The tree cut is in woodland buffer zone not waterfront zone. The resident does have a reclamation plan and a forestry report. The plan is to get rid of trees around the house and then do a replanting. Greenwood brought the plan to the Board to review. The general contractor is here, Holmes is here also, we both have reviewed the project. Smith asked if the conservation commission has weighed in. Greenwood said yes they

have. They have been out there a few times, we asked for a professional forester to come out and they have. Thorson said that the forestry report said some trees should be cut, that they are hazardous. The general contractor said the plan is to cut the trees away from house and plant in other areas of the lot. Thorson asked how far is this cut from the shoreland. The general contractor said the trees to be cut are 80 to 84 feet away from shoreland and the white birch did break and they want to take rest down. Holmes' concern is that the trees on Route 103 by the road are needed for the slope there. Holmes said having a raingarden near the road going down the slope would be great. Holmes agreed that the trees are hazardous, the ones near the house really should go. Also they do have a reclamation plan. The GC said we are putting low lying shrubs there that will soak up more of the water than the trees. We will have pine trees in and the blue rug juniper will soak up heavy rain. Holmes said it has been altered before, trees do a lot but I think you got a good plan there. The GC said we are taking out 9 trees and putting in 44 trees and shrubs. Holmes said it looks good now, it's a great plan but what will it look like in a year. Greenwood said she is looking for a warranty that they will maintain it. The GC said he stands behind his work. Smith has no problem, Nowell is good, Thorson is good with the replanting. Nowell made a motion to approve the cutting and reclamation of this property, Smith seconded the motion, All in favor. The Selectboard signed the application.

b) Norm Bernaiche - DRA

Bernaiche recommended the Board sign the Joint Motion for Approval of Reassessment Plan Agreement for the State of NH Board of Tax and Land Appeals.

The Board signed the agreement.

c) Patricia Sherman - ADA Doors

Sherman had received quotes for putting in handicapped access for the library and the town office. She had two offers, the third offer rescinded. There was 2% difference between the two quotes. Building Services Group is the low bidder. Nowell motioned to accept the bid by Building Services Group, Smith seconded the motion, All in favor. Pavlicek will do a purchase order and have the board sign it this week.

### 3 Regular Business

a) Maureen Clement

Maureen Clement would like to purchase a small lot in Park Ten from the town. Perkins owns the other surrounding lots. The Board will have the assessors do a review of the property and see who owned it

originally and how it was decided to the town. Smith said we would have to put it out to sealed bid.

b) Veterans Hall

The Board agreed that AA meetings could be held daily, Monday - Friday at 6 a.m.

c) Newbury Zoning Board Letter

Peter Fichter came in to discuss a letter he sent to Thorson regarding The Fells. It was in regards to an issue that came up at the Planning Board meeting in May stating that The Fells is operating as a commercial business. Thorson asked who are you representing. Fichter said the Zoning Board. The Fells should have had a site plan approval, and gone to the Zoning Board for a special exception. Fichter said he contacted Gary Budd, talked with Dennis Pavlicek and Bruce Healey and none of them had any knowledge of why this didn't happen back in 2008. Fichter read his letter. Kathryn Holmes commented that they should follow procedure and go the Planning Board if they are doing commercial activities they should go in for a special exception. Bruce Healey, Planning Board chair spoke and gave a little history going back to December 2007 with the subdivision for The Fells and was described as nonprofit. In July, August 2008 there was a specific site plan review for the relocation of a parking lot. Tom Vannatta was chair and McWilliams was advisor to the board at the time and is now currently acting in that capacity. A new site plan review for the entire fells was not requested. The 2008 regulations in place then are identical as they are today. A site plan review should be done with the development of commercial property. A site plan was not warranted for the preservation and upkeep of The Fells so they can share and show this historical property. Any commercial activity was inconsequential. Planning board did not consider it commercial property. Center Meeting House was not asked to do a site plan review. Healey said he also reviewed the minutes in 2008 and there was no discussion of site plan review. Today The Fells are in the process of a site plan review of new parking lot. They have done the conceptual site plan review, and are in the process of design review now. I feel pretty confident that the Planning Board will not put The Fells in a full site plan review. Holmes questioned why Healey does not see the justification in it and begs to differ. Fichter said they are increasing their commercial plan, it's part of their capital plan program. Nowell these are just things that they are doing to bring in enough money to maintain their property. Fichter said they are making more revenue from private events not public events. Healey said if you look at the ZBA regulations, there is not one that in any way mirrors

what is going on at the fells. Fichter said that 5.4 reads these are things that may be used, Fichter will argue that The Fells falls into a private school, with their education programs and not requiring a permit for that is a disservice to the town. Smith said the ordinance says subject to, so you don't have to do a full site plan review. Fichter agreed it is expensive to run an operation like The Fells and they do need to generate money for that. The Stone barn had a retreat that was advertised, someone complained, it was considered commercial activity in a residential zone. It was to generate money. Thorson said the difference between that is the Stone Barn is a private individual not a non profit like The Fells. Smith made a recommendation to take everything we heard here and bring it to the Town Attorney and get back to you at a later time. Holmes said The Fells came to the Conservation Commission first for the parking lot in 2008 and we thought it was not a good location. Now times have changed and we need to protect storm water control and to protect our lakes and ponds. In 2000 they did not do weddings, 87 parking spaces is maybe to much, let's balance between construction and destruction. I think a special exception is due. David Bashaw, 85 High Point Road said you are going to town counsel but a lot of this discussion is on one side, did you even notify The Fells that this discussion was happening. Thorson said The Fells were here at a previous meeting. Bashaw said yes but that was a separate discussion, there is a lot one way traffic here, will you have another meeting at future date and invite The Fells. Bashaw said all the discussion was very negative toward The Fells. Smith said he didn't see negativity. Bashaw commented that Bruce Healey was not negative. One thing that is very important to remember is that commercial profits are different from nonprofit profits. Commercial businesses make profits for their owners, nonprofits have no owners and the profits are put back into the business. Fritz Hunting has been a Fells member and has been on the Board from 2001 to 2015, he was involved in the 5 year acquisition to acquire property. Hunting questioned if the Planning Board meeting was held without The Fells being there. Smith said Planning Board was here but this was not discussed. Healey said what was discussed with The Fells was the design review, questions about new proposed parking, traffic study and events that occurred at the fells. A public comment was made to Joe Thompson why do you need a parking lot this large. Bruce said why Fichter referenced this it was information made available from a conversation with Thompson. Fichter commented that in The Fells brochure they say that they will have more weddings, showers, etc. to make money. Hunting said all buildings and grounds on this property are subject to the national history registry. It is an unusual residential property. He hopes this will all be brought to the attorney. Also the deed was recorded in the 2008 with the easement.

d) Town Clerk/Tax Collector

Nowell spoke to Linda Plunkett about requests she had from some older people that need to pay their taxes and have lower interest rates. This could be done if we accepted credit cards. Pavlicek said it costs \$1500 for a set up fee, \$275 support for software yearly. The 3% fee goes to taxpayer. Smith we should do it all at once, taxes and registrations. Pavlicek said Belmont and Brentwood use this system through BMSI, I asked Debbie to check with them and see how it works for them. Pavlicek said we have been discussing this for a long time. Smith said it is time to bring it up to the 21st century, do it all at once. Selectboard would like to start using credit cards. Pavlicek said we could use the Selectmen project funds. Pavlicek will talk to Plunkett.

e) Plantings by Fire Pond

NBC would like to plant lilac trees around the pond. They have 6 to 12 bushes. They will plant them along the pond behind Veterans Hall. The Board agrees to the plantings.

31. Correspondence

31.1. New London Dispatch News

The Board received the April 30, 2016 New London Dispatch News.

31.2. Primex Letter

The Board received a follow up letter from Primex.

31.3. Newell Electrical - Old Town Hall

Newell Electrical gave a quote of \$2000 to put new service in the old town hall. It will be upgraded to a 200 amp service. Smith asked why are we putting in new service. Pavlicek explained that Bill Weiler would eventually like to make those buildings usable. Are they just changing the circuits or redoing the wiring, we need to find out exactly what Newell will be doing. Nowell suggested we hold off for now and find out what we are dealing with. All agreed.

31.4. UVLSRPC & DHMC Letters  
Selectboard approval

Pavlicek told the Board that we received two grants totaling \$3000 from Upper Valley Regional Planning Commission and Dartmouth Hitchcock for outside exercise equipment. Rosie Johnson did the research on three companies. The one we are

using is American made, good quality and we would like to place the equipment near the gazebo going towards the lake. Representative recommended the rower and air strider. The two would be \$3000 that will be covered by the grant. The shipping is \$775 and we would have to pay for that. These grants are being giving to help people exercise. Board said to go for it and see how it goes. Smith motioned to use the grants to purchase the exercise equipment, Nowell seconded, All in favor.

31.5. Settlement Agreement and Release

The Board received a copy of the settlement agreement and release between Holmes and Hoffmeister.

31.6. New Civic Web Portal Demonstration

Bryk gave a demonstration on the Selectboard's new civic web portal.

31.7. Public Notice

Merrimack County Public Hearing will be on June 6, 2016.

31.8. Complaint

Nowell drove over to Cheney Road to see Poulin who filed a complaint about noise. Nowell talked to him and asked what we could do to help. He said nothing and continued complaining about everything. He is very unhappy with both neighbors on both sides of him. There are problems. He believes this town is the old boys network. He said there is nothing you could do to help and he wants to picket the town. He will blast music and smash bottles on his property lines.

31.9. Compliment

The Town received a compliment about Norm Bernaiche and his prompt attention to a taxpayer.

31.10. DES Waste Management Division

The Board received the March 2016 Water Quality Summary for the Newbury Landfill.

31.11. Thank you

The Board received a Thank you note from Donate Life for their support of hanging the flags, this was the third year.

31.12. Gazebo

Thorson suggested that we look in to making the Gazebo handicap accessible. Pavlicek showed the Board a modular access system that could be used.

31.13. Old Highway Garage

Wolf has a signed purchase agreement for the land on Old Sutton Road in the amount of \$150,000.

31.14. Employment procedure

The Board wants all background checks done before new members are voted in at the Fire Department and also for the rest of the departments before they notify the person they are hired.

32. Approve Payroll/Payables

32.1. May 28, 2016 Payroll and Payables

The Board approved and signed the May 28, 2016 payroll and payables.

33. Acceptance of Minutes

33.1. May 16, 2016 Meeting Minutes

The Board approved and signed the Meeting Minutes.

34. Other Business

34.1. Warrants

The Board signed a timber tax for Burns, Mountain Road, map/lot # 35-595-231, # 33-679-015, # 34-725-449, # 23-160-413 in the amount \$709.45.

The Board signed a timber tax for Bradford Fish and Game, Gillingham Drive, map/lot # 051-109-453 in the amount of \$452.12.

**4 Non-Public Session**

Per RSA 91-A:3, II, a-e

- a) The Board went into non-public session at 8:15 p.m.

Thorson made a motion to go into non-public session under RSA 91-A:3, II, c, Nowell seconded the motion, Role call vote - Thorson - yes,

Smith - yes, Nowell - yes.

Smith made a motion to seal the minutes indefinitely, Nowell seconded the motion, Role call vote - Smith - yes, Nowell - yes, Thorson - yes.

**5 Adjournment**

- a) The adjourned at 8:23 p.m.

Smith made a motion to adjourn the meeting, Nowell seconded the motion, All in favor.

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Ed Thorson, Chair

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Russell Smith

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Joy Nowell