



Selectmen Meeting 05-26-15

Approved Minutes

Present: Select board members Bernie O’Grady-Chairman, Charles Moser, Louise Lavoie Administrative Assistant Jeannine Phalon, Tim Kelly- Chairman, Zoning Board of Adjustments, members of the public

Call to order: 7:30 PM

Next meeting: June 9, 2015 at 7:30PM to be held at the Town of Mason Mann House

Approval of Manifests:

Noted board of Selectmen signed payroll and accounts payable manifests

Approvals:

- **Motion** by **Louise Lavoie** to approve May 12, 2015 Selectmen meeting as amended, **seconded** by **Bernie O’Grady** – vote **3-0** in the **affirmative**.

New Business:

- Selectmen signed part one Tax Warrant for 2015.
- Tim Kelly, Chairman, Board of Adjustments, updated the Board on the Driving Range hearing. Tim passed out copies of the 2015 Notice of Decision, 2010 Notice of Decision, and the Finding of Facts. Conclusion was that the five criteria were not met. Record of the vote was unanimous. Charles Moser asked if Nicole Ruggiero could ask for a re-hearing to which the answer was yes. Tim Kelly stated the ordinances are pretty clear as well as the abutters making their opposition to the music clear that the noise level created was contrary to public interest. Charles Moser asked what the original variance was granted for. Tim stated that the variance was “Conditionally Granted” as stated in Case No. 10-001 J29-1 Ruggiero with outdoor service of beer and wine limited to designated patio of 25 ft by 35 ft in square footage, along with other conditions needing to be met.

Louise Lavoie stated the Zoning Board clearly followed all rules and came up with a sound decision. Charles Moser and Bernie O’Grady agreed. Charles Moser stated that if concerts continued, they would be in violation. It was then asked if Cruise Night would be in violation. Bernie O’Grady as well as Charles Moser agreed that cruise night would be OK as long as there was no concert.

The Select Board agreed to have Town counsel review the file. Charles Moser will gather information for Bill Drescher.

- Warrant for first half of 2015 tax bill was signed by all members of the Board
- Signed Intent to Cut 15-293-03 and 15-293-04
- Signed Report of Wood Cut 14-293-07 and 14-293-21
- Administrative Assistant Jeannine Phalon asked about a property owner who is planning on building and would like to stay on their property in a mobile home/camper until complete. How long can they stay on property and are they considered residents? They can live in their camper

for 90 days. Residency needs to be addressed by the Town Clerk as to what is required for proof of residency.

Old Business:

- TDS Communications: Jeannine informed the Board of the recent signing of the same contract in Wilton with a 4% fee. Charles Moser will contact Scott Brooks from TDS to inquire as to whether they would be willing to pay for the cost of our Town counsel looking over the contract.

Informational:

- PAC update – Board will review the most recent notes and respond at a later meeting.

Public Communications:

- Nicole Ruggiero, one of the owners of Driving Range, was present and stated that she was devastated by the Zoning Boards decision to deny the variance. She asked for permission to have the concert venues which she has contract commitments she cannot get out of. Bernie O’Grady asked for the dates of these venues. He also stated that Marty was given an opportunity at the hearing for a compromise in the amount of concerts at which time he declined. Nicole stated she was disappointed that she could not be at the hearing as he did not represent her cause very well. Charles Moser suggested Nicole seek legal advice and request for a re-hearing within the thirty day time period clearly stating all the conditions the Zoning Board originally found not in her favor. The Board stated they have a duty to enforce the zoning and cannot make an exception to allow the requested five concerts and the property owner needs to abide by the ordinance. The Board also agreed that Cruise Nights were within the scope of the variance but should not include concerts. The Board will see what Town counsel would recommend on zoning variance. Nicole Ruggiero handed Administrative Assistant Jeannine Phalon the letter for re-hearing for the Zoning Board.
- Harry Spear would like to know how many departments have passed in inventories so far. Louise stated approximately two have and she will be placing information on a spreadsheet.
- Barbara Devore asked about timber cutting on Old County Rd. Administrative Assistant Jeannine Phalon stated we are waiting for the report of the wood cut from the logger to generate the tax bill.

Non Public:

- Motion made by **Bernie O’Grady** to enter into Non-Public per RSA 91-1:3, II (a) and (b) **Seconded** by **Charles Moser**. Vote **3-0** in the affirmative at 9:27 PM.
- Re-entered Public session at 9:46 PM and then immediately adjourned.

Respectively submitted,

Jeannine Phalon

Administrative Assistant