

LYNDEBOROUGH BOARD OF SELECTMEN

MEETING MINUTES

July 17, 2019

Final

I. Call to Order:

Chairman Chamberlain called the meeting to order at 6:00 p.m.

II. Introduction of Members Present:

Chairman Mark Chamberlain and Selectman Fred Douglas

Selectman Richard McQuade was excused

Town Administrator Russ Boland and Transcriber Kathleen Humphreys

Public Present: Karen Grybko, Alyssa Lavoie, William Andersen, Steve Brown, Maria Brown, and Assessor Todd Haywood

Media Present: Jessie Salisbury

III. Appointments:

6:05pm: Community Day (August 10, 2019)

Karen Grybko and Alyssa Lavoie were present.

Community Day organizers are considering adding beer tasting to the Community Day schedule as a way to attract additional residents. They wanted to see if this is permissible and discuss the idea with the Selectmen.

Barley & Hops Craft Beer and Wine Shoppe would run the beer tasting, which would happen in a certain area for a limited time. They would serve under the guidelines for "alcohol samples" in a private roped-off area and charge a fee for limited size samples. Volunteers would be responsible for checking IDs and taking the fees.

They were informed that if there is alcohol served on-site the organizers need to hire a police officer at the rate of \$50/hour for a four hour minimum.

Chairman Chamberlain said he is not against the idea but it's a lot of work for one day.

T/A Boland said that risk/reward analysis is in his job description. This could be a major risk for the Town. One concern to the Board and T/A Boland is that there is no way to control the alcohol or drug activity of a patron before and after they pay for the beer samples during Community Day. They could arrive with a high blood alcohol or drink more in the parking lot or another location, but if they purchase the samples at the Community Day (on town property) and after they get in an accident, the town is liable. Another concern is how to limit participants to one set of samples and to avoid tickets being purchased by one individual then given to another patron. The possibility of running this event as a "one and done" ticket was discussed.

Because Community Day is a Town event, the organizers do not to take out a third party insurance policy as they would if this was a private rental of Center Hall.

To Do Items:

- Karen Grybko will ask Barley & Hops the process they do for events in other towns.
- T/A Boland will discuss this with PRIMEX tomorrow.
- Meet again on July 31, 2019 at the next Selectmen's meeting.

Selectman Douglas discussed "Duty Owed" which means that organizers should have foreseen what could happen. He reviewed issues he experienced at Milford events.

The organizers are trying to attract a different segment of the community to this family event. There are not a lot of young children in town but organizers noticed a trend of younger families moving in. Their idea is to have the beer tasting for adults just before the BBQ dinner. They are also looking to have the fire pit operating to make s'mores.

IV. Community Forum and Public Comment:

Jessie Salisbury asked if there is a plan for the proposed horseshoe pit. If so, that information should go to the Heritage Commission and the Selectmen.

V. Decision Making Actions:

Old/Tabled Business

HVAC Installation Update at Citizens' Hall.

The new unit was installed at Citizens' Hall.

Purple Heart Community Update

The Purple Heart Community signs have been ordered. Marie Grella, Paul Martin and Walter Holland will put up the signs. The Selectmen are welcomed to join them when the signs are installed to ensure they are in the right locations. This is also a photo opportunity.

Putnam Pond Boat Ramp Update

Selectman Douglas cut some of the dead trees last week and Chairman Chamberlain mowed the lawn. The Highway Crew put three picnic tables at the Putnam Pond area.

Upper Purgatory Falls Parking Lot Project

An email was sent to the Selectmen regarding parking concerns. It was decided to take a field trip to the parking area to see what is going on. Jessie Salisbury said she visited the area earlier in the day and said there is more parking than she remembered and it looked good at that time.

The trash has been emptied at the Lower Falls. The parking is being abused on both sides of the street. The Highway crew reported the parking lot was so full that they could not park close to empty the trash. It was discussed putting a second trash barrel in the parking area. It was also noted that the items being deposited there are not "family friendly" or what should be expected to be thrown away at a hiking area. The police have been directed to patrol the area.

New Business

None

Items not on Agenda

None

103 **VI. Town Administrator Report:**

104 A portion of the old Town Barn ceiling has been removed. Building Inspector/Code
105 Enforcement Officer Leo Trudeau feels it's structurally safe but would like to take a
106 closer look once all the material has been taken down. The material will be disposed of
107 at the Wilton Transfer Station at no cost.

108
109 If the Highway Department rents a mower they can get twice as much work done for the
110 same price, plus the rental lets them schedule the machine for August instead of
111 September, which is more advantageous. The Selectmen asked for a Mowing Plan to
112 be submitted for review.

113
114 Selectmen Douglas had a concern about the roadside stone washout he observed after
115 the heavy rains. This could be detrimental for the pavement and cause damage. Areas
116 of concern include: Dutton Road past Ayers' property, Center Road by Tony Rocca's
117 property, Baldwin Hill Road, and on Mountain Road.

118
119 T/A Boland explained the Highway Department is waiting on the shoot for the new truck.
120 They looked into renting or borrowing a shoulder machine with no luck. He said, "Having
121 the roads break is totally unacceptable". It was discussed that we should reach out to
122 other mutual aid communities regarding borrowing equipment.

123
124 The tree that died that was adjacent to the handicap parking lot at Citizens' Hall was
125 replaced.

126
127 The draft proposal of the franchise agreement for TDS is available for the Selectmen to
128 review.

129
130 Chairman Chamberlain had a conversation with T/A Boland regarding some street signs
131 that are obscured.

132
133 One of the two electronic speed signs was installed on Center Road. Four more posts
134 are needed to strategically place the signs where the Selectmen suggested.

135
136 **Appointments Continued:**

137 **7:00 p.m. - Resubmitted Request to Approve Current Use Application**
138 **328 Winn Road, Map 227, Lot 23**

139 Homeowner Bill Andersen and Assessor Todd Haywood were present.

140
141 Mr. Haywood said the intent is now to have all but 1.43 acres under Current Use
142 assessment. The brief history is the previous owner had all but 9 acres in Current Use
143 but when the Town remapped, the acreage was changed. The amount of acres that
144 actually was under Current Use, that was recorded, was different. It was 34.37 acres
145 but they felt they had more land. Mr. Andersen is asking to have all but 1.43 acres in
146 Current Use and the recorded acres to match so when the title history comes down there
147 won't be any questions.

148
149 Selectman Douglas asked how they determined that there was a difference in the acres
150 and asked if it was surveyed. Mr. Haywood said the Town was remapped in 2010* and
151 they are basing it off the remapping.

153 [*After the meeting, it was determined that Assessor Haywood incorrectly cited the year*
154 *the remapping took place. Town-wide remapping took place in 2006*].

155
156 Selectman Douglas asked how we know he owns “X” amount of acres if it was not
157 surveyed. Mr. Haywood said through the tax maps. Selectman Douglas said in their
158 experience there have been issues with the tax maps, correct? Mr. Haywood agreed
159 and said the only way to correct that is to have it surveyed.

160
161 Bill Andersen said when they purchased the property they understood there was a
162 difference and understood they had 45 acres which was practically undevelopable.
163 They have 1.1 developed acres around the house and the balance is .33 acres for the
164 driveway. This is not affected by the discrepancy of 45 acres, 48 acres, or 50 acres.
165 The Andersen’s do not want to subdivide or develop the property more. They want to
166 tighten up the Current Use.

167
168 They did not have a map of the original configuration of the nine (9) Current Use acres
169 but that map was eventually found in a different file. The map was a 600x600 square.
170 The Board reviewed the map with Mr. Haywood and Mr. Andersen.

171
172 Selectman Douglas asked how many acres that map said this property owned. Mr.
173 Haywood provided the information of 50 acres and they wanted 8.6 acres in Current
174 Use. Mr. Haywood said there is a question regarding the wetlands and that can be
175 reclassified wetlands but regardless that area is already in Current Use. Mr. Anderson
176 said that the driveway on the map is not the configuration of the actual driveway.

177
178 Mr. Andersen showed a map he proposes to use.

179
180 Mr. Haywood said he is not sure if this pre-dates a recorded plan and that it’s not
181 uncommon to see acres change due to a boundary survey. Mr. Andersen added it
182 would be expensive to survey the property.

183
184 T/A Boland asked if it would be a prudent solution to look at what is not in Current Use,
185 1.43 acres, and put the rest in Current Use. Mr. Andersen said that is their intent.

186
187 The landowner and assessor agree with putting 39.37 acres in Current Use.

188
189 The application was submitted before the April 15 deadline. The updated paperwork
190 was resubmitted on June 5, 2019. *See below for vote after the paperwork was updated.*

191
192 **7:15 p.m. – Current Use Discussion re: Sawmill for Owners Steve and Maria Brown**
193 **Map 230, Lot 006-001, Woodward Road**

194 Owners Steve and Maria Brown were present along with Assessor Todd Haywood.

195
196 The owners wanted to talk about a building being constructed on their “retirement
197 property” which is for a 130 acre parcel off Woodward Road.

198
199 The Browns came to the Selectmen in April 2017 regarding a parcel of land off
200 Woodward Road. They have a portable mill on the parcel of land and wanted to put a
201 building around it because it was starting to rust. At that time, the Select Board
202 consisted of Lee Mayhew, Fred Douglas and Mark Schultz. Mr. Brown provided back-up
203 material to the Board. The owners wanted to submit a PA-48 form to allow a property

owner to put a farm structure in place that is considered an allowable use under Current Use law. During that discussion, Chairman Mayhew had said he wanted to confer with Town Counsel. Mr. Brown was also looking to get a permit to put the structure up. At that time, the PA-48 form was in but it did not get submitted to the State. They just missed the April 15 deadline. Mr. Brown read a 2017 email regarding the thought process of when to resubmit the form.

"Steve,

I spoke to Cheryl this morning, our assessing tech. She reviewed the application and is recommending it for denial because there is nothing new to consider at this time. The land under the building that is being constructed is in Current Use already. The saw mill has not been built yet so there is no new structure to evaluate. She is recommending that the new application be submitted after the final tax bill in December when the building will be complete as well, as I assume it will be finished then."

-Todd Haywood

This email was dated 2017 but the building is currently not complete as of tonight's meeting. Mr. Brown's thought was to not advance the PA-48 until the building is completed and there is something to assess. Then Mr. Brown noticed his tax bill went from \$20 to \$800.

T/A Boland and Mr. Haywood visited the site with Mr. Brown where they updated the square footage of the area. Mr. Brown would like to submit a new PA-48. Since it is after the April 15 deadline, the question is should the form be submitted now or at the next tax period? An agreement should be reached on this question.

Mr. Brown asked to talk about how they collectively assess that property because it's done a little differently under PA-48 because the rules for assessing the land are differently than for assessing a house. For a house, it is assessed at a value which can be discounted up or down, depending on the condition of the house. His understand of the statute, if qualifying under PA-48, that it is assessed at the replacement cost then depreciates over time. He would like an agreement with the Board and assessor. He is asking to submit the form and discuss the appropriate way to assess it.

Todd Haywood addressed RSA 79-F which is "Land Under Farm Structures" and that dictates how to assess it. It is more specifically for the land and it was designed to impact agricultural, farm structures or forestry. The law says we can assess it not more than 10% of its market value. Mr. Haywood said that Mr. Brown is correct in saying its building cost, less accrued depreciation.

It was discussed that the building is about three-quarters complete and does not have a roof or final siding on it yet.

The Board would need to decide, if they decide to take this on, at what level to assess at 10% backwards on the land of a 2,500 square foot structure. Mr. Haywood said there is one other property in town which is assessed at less than 10%.

After discussion, Mr. Haywood suggested to keep the agreement based on percentage that way the percentage would be consistent with market changes on the land. In case of a disagreement, the owner has the right to appeal it annually.

Selectman Douglas read into the record a portion of the May 24, 2017 Board of Selectmen's minutes.

"...The topic of the Brown's request of approval of PA-48 form, discussed at the Selectmen's meeting on April 26, 2017, was taken off the table. Chairman Mayhew stated he had a discussion with Attorney Drescher and it was concluded the work there proposed by Mr. Brown will not affect the Current Use status of the property".

Selectman Douglas asked if they are in agreement with the above statement. Mr. Haywood said that PA-48 does not talk about Current Use but it would trigger a Land Use Change Tax.

Selectman Douglas read a portion of the April 26, 2017 Board of Selectmen's Minutes:

"The Browns are building a saw mill and had questions on section NH RSA 79-F for land use. The structure will be used for wood processing from lumber cut on their properties, storage for a tractor and equipment, a sap house and storage for related materials. They felt it was a permitted use for tree farming and felt the land did not have to be taken out of current use. The large structure will have a cement floor and frost walls. The Board would like to consult with the town attorney on this matter. Mr. Brown provided documents to Administrative Assistant Dawn Griska in case it's approved. They are waiting on input on the Current Use for this parcel."

After consideration by the Town Attorney, it was stated it would not affect the Current Use status of the property. Mr. Haywood disagreed with the Town's attorney because 79-F does not speak to Current Use and at that time the structure was not built.

Selectman Douglas asked Mr. Haywood to explain how to assess it in terms of depreciation.

Selectman Douglas went back to the statement that Mr. Haywood referenced another property in town and asked how that property is being assessed at a much lower rate. Mr. Haywood said that was the decision of the Board at that time. Mr. Haywood said it's a steel building and believes it was assessed under Current Use. He was asked to provide the information, in this case, to the Board because the Selectmen would like to treat everybody equally.

RSA 79-F: Taxation of Farm Structures and Land Under Farm Structures: This is the vehicle which allows 10% of land and 100% replacement cost of building plus depreciation. The agreement is this is under farm structures.

Title I, 21:34A: Farm Agriculture and Farming:

The definition was read. *"The word farm means any land building, land or structures on which agriculture and farming activities are carried out or conducted."* He went on to read that agriculture includes, *"trees and tree farms"*

Mr. Haywood said this can be accepted after the April 15 deadline as long as the tax rate has not been set. Mr. Haywood felt the parties here tonight are not disputing the building but need to decide where to put the land.

VOTE: Selectman Douglas moved, Chairman Chamberlain seconded that the assessor will determine how the other land owner was calculated under Current Land Use Tax and that calculation will be applied in this application with Steve and Maria Brown, Map 230-006-001. That will be determined by our assessor.

Copied to the file, copied to the Browns, and copied to the assessor. Motion passed 2-0.

VII. Selectmen's Report:

a. MACC Base Action & Agenda

There is a meeting on July 29, 2019 with the Milford Selectmen.

b. Transportation Committee

None

c. Planning Board

The Board will meet on July 18, 2019. The agenda includes a pre-application for a major 5-lot subdivision and continuing the subdivision regulations work session.

d. Heritage Commission

The Heritage Commission will meet next week and the Historical Society meets tomorrow. They will discuss Community Day.

e. Safety Complex

The Fire Chief is marking out the proposed addition at the Fire Station in anticipation of the test pits. It was determined that Kevin Leonard does not need to be present because the scope of the work is ledge exploration. The Fire Department is still considering the Center Hall location for a future station. It was reiterated that the message from the Historic Commission is not to take down the Town Barn in the Center.

VIII. Consent Agenda:

The Consent Agenda was tabled until the end of the meeting.

IX. Information Items Requiring No Discussion:

Selectman Douglas noticed that pine needles are destroying the shingles at the Emergency Garage on Center Road.

T/A Boland said the State notified the town that the heat index will be in excess of 115 degrees this weekend. He suggested opening Citizens' Hall as a cooling station from 11:00 a.m. to 7:00 p.m. on Saturday, July 20, 2019.

There is a Budget Meeting in Concord on Friday July 19, 2019 at 10:00 a.m. in which one local official is invited to attend.

Appointment: Bill Andersen Continued:

During the meeting, Mr. Haywood updated the document which was then reviewed by the Selectmen. The final number agreed upon is 1.43 acres NOT in Current Use and 45 acres total. Mr. Andersen would like the action to be retroactive because his application was submitted prior to the deadline along with a check. Todd Haywood said it will be effective April 1, 2019 and the change will be seen in the December tax bill.

VOTE: Selectman Douglas moved to accept form A10 application for Current Use for William E. Andersen and Jane Lifset of 328 Winn Road in Lyndeborough, NH Map 227, Lot 23 and amended on April 1, 2019 by said William E. Andersen, to accept the application and sign it. Motion passed 2-0.

Mr. Andersen submitted a new check on 7-17-19 made out to HCRD for \$16.55, check #1943. Mr. Brown wrote a check out to HCRD for \$16.55, check #3044, dated 7-17-19.

For the record, the documents were recorded at the Hillsborough County Registry of Deeds in Nashua, New Hampshire on July 22, 2019 as followed:

William Andersen: Docket #9030652. Book-Page: 9190-1846
Steve and Maria Brown: Docket #9030651. Book-Page: 9190-1844

X. Non-Public Session:

VOTE: Selectman Douglas made a motion, Chairman Chamberlain seconded to enter a non-public session RSA 91-A:3II (a & c) at 8:13 p.m. The Board was polled affirmative. Motion passed 2-0.

VOTE: Selectman Douglas made a motion, Chairman Chamberlain seconded to exit the non-public session at 8:27 p.m. Motion passed 2-0.

Once back in public session:

VOTE: Selectman Douglas made a motion, Chairman Chamberlain seconded to accept the Consent Agenda with grammatical modifications made to the minutes of July 3, 2019. Motion passed 2-0.

The Selectmen directed T/A Boland to check with the State Department of Corrections to obtain a price list for road signs for a comparison with our current vendor.

VOTE: Selectman Douglas made a motion, Chairman Chamberlain seconded to adjourn at 8:42 p.m. Motion passed 2-0.

XI. Adjournment:

All scheduled items having been addressed, the public meeting was adjourned at 8:42 p.m.
Next regular meeting: July 31, 2019 at Citizens' Hall at 6:00 p.m.

Respectfully Submitted by Kathleen Humphreys

Chairman Mark Chamberlain

Selectman Fred Douglas

Selectman Richard McQuade

July 17, 2019 Consent Agenda			
Item #	Item Title	Item Date	Approved
1	AP Warrants – July 9 & 16, 2019	7/17/219	Yes
2	Payroll Warrant – July 1 through July 14, 2019	7/17/219	Yes
3*	Request for Approval of Intent to Cut Application (19-279-07T) (210-018) – Accessed Via Mountain Road/Old Wood Road (next to Osgood Road)	7/17/219	Yes
5	Request for Approval of Intent to Cut Application (19-279-08T) (206-008) – Accessed Via Mountain Road	7/17/219	Yes
6	Request to Execute Representation Letter – 2018 Audit (Plodzick & Sanderson, P.A.)	7/17/219	Yes

401

7	Board of Selectmen's Public Meeting Minutes – July 3, 2019	7/17/219	Yes
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