

**Board of Selectmen
June 19, 2006**

Present: Paul S. Morrill, Chairperson; Mark P. Duffy; Robin L. Frost, Town Administrator; and Toni Bodah, Secretary.

Those also attending included Nancy Spencer Smith; Peter Kasprzyk; Judy Nason; Joe Ruma; Marc Larion; Cheri Schlenker; Cindy Barstow; David Lee; Cliff Bardsley; Peter Brown; Bob Colbath; and those signed in on the attached list.

Mr. Morrill called the posted meeting to order at 7pm, following which he led those present in the Pledge of Allegiance.

1. Public Hearing #2 re: Proposed Purchase of Development Rights – Mr. Morrill opened the public hearing to consider the purchase of a conservation easement on property located on Harmony Drive. For the benefit of those present who did not attend the first public hearing, Mr. Morrill reviewed the major points of this proposal. Ms. Nason asked whether the 12 acre parcel to be subdivided from the main lot would need Planning Board approval. Mr. Morrill explained that the 12 acre kingdom lot will remain as part of the original 128 acre parcel and will not be subdivided. Ms. Smith then explained the detailed relationship between the kingdom lot, the building envelope and the remaining acreage.

Ms. Nason then asked how many lots could possibly be made from the subject parcel were it to be subdivided. Mr. Laurion estimated that 3-5 lots could be created, considering the existing ledge, topography and road frontage requirements. Ms. Nason questioned how this proposal then would save the Town from a major subdivision if only 3-5 lots could be created. Mr. Morrill noted that regulations could change in the future. Mr. Ruma asked whether Mr. Morrill had personally walked the property. Mr. Morrill advised that he has not done so. Mr. Ruma then gave his explanation as to how the property was formed following the receding of the glacier. Mr. Ruma had provided Ms. Frost with a 'cd' of photographs he took on the subject property, which she projected. Mr. Ruma added that the subject is a beautiful piece of land; however, he does not believe it is appropriate for development, regardless of whether the conservation easement is purchased. Mr. Morrill explained that the purpose of hiring a professional appraiser was to ascertain the actual value of the property, both with and without the existence of a conservation easement.

Mr. Ruma still believes that the Town's money could be better spent on a more appropriate piece of land. He referred to a photograph of debris located on the subject property, which will need to be hauled away at the Town's expense. Mr. Kasprzyk referred to the ledge found along Lake Winnepesaukee, which people have found ways to develop. He believes a developer could destroy the existing ledge, adding that we need to protect the land before this happens. Mr. Kasprzyk added his opinion that more than 3-5 building lots could be created.

Board of Selectmen
June 19, 2006
Page 2

Ms. Barstow advised that she, too, has walked the property, and agrees that there is debris to be removed, that the property is beautiful and that more than 3-5 lots could be created. Mr. Laurion then referred to the current subdivision regulations and the requirements of same. He believes that the potential buyer is willing to purchase the property, which has been on the market for quite a while, only because the Town is willing to provide some of the money. Mr. Laurion further stated that there are other more appropriate properties in Town to 'save'.

Ms. Schlenker agrees with Mr. Kasprzyk that the property could be developed into more lots if the developer has the necessary funds. She referred to potential run-off into Union Meadows should the property be developed. Ms. Schlenker also referred to possible hidden agendas of those opposing the proposed purchase.

Ms. Nason asked how much waterfront the property has in total, as well as how much will remain with the 12 acre kingdom lot. Ms. Smith advised that all waterfront will be contained within the easement portion. [The total amount of waterfront was not specifically cited.] Ms. Nason questioned whether the waterfront would be accessible for a Town beach. Mr. Morrill advised this would not be the case. Rather, the intent is to preserve the property in its natural state. Ms. Smith shared her belief that the conservation easement would result in reduced erosion. Mr. Kasprzyk noted that several other large tracts about the subject property, adding that many animals need large areas to support their habitat. Perhaps in the future abutting property owners may be willing to consider a similar proposal. Mr. Ruma asked whether Mr. Kasprzyk had walked the property. Mr. Kasprzyk advised that he had.

A brief discussion followed regarding the brackish water, as well as accessibility. Mr. Ruma requested a definition of 'industrial purposes' as it relates to agriculture [see page 3, article 2.ii of the proposed conservation easement deed]. Ms. Smith will obtain that information. Mr. Kasprzyk stressed that the Town will not own the property, adding that the purpose is to eliminate the possibility of development.

Mr. Laurion asked whether it would be possible to have a professional wetlands study completed. Mr. Morrill indicated that there are wetlands within the 60 acre building envelope. He added that he is not a professional in this area, which is one reason why a professional appraiser was hired to determine the value. Mr. Laurion indicated it would be a very different situation if the buyer were to only retain a 12 acre parcel rather than having the existence of a 60 acre building envelope. He noted that this is the first such effort of the Conservation Commission and should be done right. Mr. Morrill agreed that there are residual issues but noted there are beautiful views to be retained. He does not agree with handing out a blank check; however, he is comfortable with the proposed funding based upon the results of the professional appraisal.

Board of Selectmen
June 19, 2006
Page 3

Mr. Brown indicated that the primary purpose is to preserve the land by extinguishing development rights. Any public access to a portion of the property is a bonus. Mr. Kasprzyk suggested we consider how much it will save the community by eliminating the possibility of development, including the cost to educate additional children, the increased cost to our emergency response departments, etc. Mr. Duffy feels that the proposed cost of the conservation easement is not excessive considering that many towns south of Wakefield have spent exorbitant sums to conserve property. He noted that while this might not be the most ideal piece of property in Town, this proposal is still a good investment considering the cost to the Town.

Mr. Martel stated that for \$141,000, the Town should purchase the property. Mr. Morrill clarified once again that the Town will not hold a deed to the property; rather it will remain on the tax rolls, likely under current use. Ms. Boudreau, of Strafford Rivers Conservancy, advised that she works with several towns south of Wakefield and agreed that prices are high and getting higher. She also noted that funds for this proposal would come from a specific appropriation, not from the Conservation Fund, which is augmented by land use change penalties.

Ms. Judge stated that she is very much in favor of purchasing this easement. She added that although she makes her living by assisting people to buy and sell property, she believes we need to start conserving what we have. Mr. Lombara noted that the proposed conservation easement would extinguish development rights. If the Town were to actually purchase the land, another board in the future could decide to sell it for development.

Ms. Schlenker received confirmation that the 12 acre kingdom lot is part of the building envelope for a total of 60 acres, with 48 acres actually being the buffer zone. Mr. Duffy stressed that if the owner decides to sell the 12 acre kingdom lot in the future, it would have to be sold with the 48 acre buffer area, plus the remaining 68 acres of the easement. Ms. Nason asked for confirmation that only one home may be built on the entire 128 acre lot and that no condominium would be allowed. Mr. Morrill advised this will be verified. [See page 6, article 3.B of the proposed conservation easement deed.] Ms. Nason noted that a single family home might be turned into a bed & breakfast. [See page 3, article 2.A of the proposed conservation easement deed.]

Mr. Brown noted that a third party (Strafford Rivers Conservancy) would oversee the easement. A future potential developer would not only have to get Town approval but also SRC approval. Mr. Ruma questioned how far away Moose Mountain is from the subject property. Ms. Smith estimated the distance to be around 3 miles, with Route 16 running between the two. Mr. Ruma asked how the two properties tie together.

Board of Selectmen
June 19, 2006
Page 4

Mr. Morrill noted that they may not be tied together (as most of the property near Moose Mountain is owned by Brookfield land Middleton) however, they are close and they support a good amount of wildlife. Ms. Nason stated that she does not question the amount of money being considered. Rather, she wonders if there is a more appropriate piece of property for the Town to consider. Mr. Morrill noted that several other properties were considered, but were taken 'off the table' for various reasons. He referred to the various ecosystems and diversity of the land, all of which may be worth saving to preserve the lifestyle of the community. There are certainly other desirable properties; however, not everyone is willing to consider this type of proposal. Mr. Morrill noted that towns south of Wakefield have had to bond projects to retain green space.

Mr. Brown stated that this is the first step in the process. It is hoped the Town will be able to put more land under conservation easements as time moves forward. Ms. Judge referred to the Town's Master Plan and the residents' desire to maintain the rural character of the Town. Mr. Bardsley advised that he lives across from the property. He has seen many people stop to photograph that area. He referred to the difficulty that turtles have in finding nesting areas, adding that more animals will be in jeopardy in the future if we do not preserve this property now.

Mr. Laurion questioned whether a Segway would be allowed on the property, since it is an electric wheeled vehicle. Ms. Boudreau advised that this would be a matter between the landowner and the individual. Ms. Smith pointed out that the proposed conservation easement deed does not allow for use of motorized, wheeled vehicles. Mr. Morrill noted that the question was valid and should be considered, adding his belief that the intent of the language was to disallow use of ATV's. Mr. Laurion asked whether there will be another public hearing on this proposal. Mr. Morrill advised that there is a limited amount of time to complete this transaction due to financial constraints, etc. He added that the Board could likely continue this discussion for many public hearings, with additional questions being raised. Mr. Kasprzyk believes that there would likely not be a problem with Segways or wheelchairs unless they disrupt the environment. If this should occur, Strafford Rivers Conservancy would direct the landowner to deal with the issue.

Mr. Duffy asked Ms. Smith whether the points raised at the public hearings could be negotiated with the potential buyer. Ms. Smith did not believe this to be likely. Ms. Boudreau read from the proposed conservation easement deed regarding use of wheeled vehicles, etc. Discussion followed regarding questions raised, the need for additional public hearings, schedules, etc. Mr. Morrill believes that common sense will prevail. He noted that the community supports protecting its rural character as well as the quality of our lakes. He thanked those present for their attendance and input and encouraged all to call the Town Administrator (or himself at home) with additional comments or questions. There being no further public comment, the public hearing was closed at 8:10 p.m.

2. Appointments

a) Wayne Robinson re: Skateboard Park – Mr. Morrill advised that Parks & Rec is considering the possibility of moving the skatepark to Town-owned property in Forest Hills (known as the tennis courts), then moving the tennis courts to the existing skatepark area. The Board believed it should obtain input from residents in the Forest Hills area prior to making a decision.

Tia Lloyd asked the reasons for moving the skatepark. Mr. Robinson noted that there are currently some issues with individuals going through abutting properties to access the skatepark, not necessarily local youth. He noted that there is an existing fence at the Forest Hills property. Mr. Robinson noted that Forest Hills was the first choice originally for the skatepark because of its proximity to the school and the fact that many of its users live in the Forest Hills area.

Tom Wight lives across from the tennis courts and does not believe it is economically feasible to move the skatepark. Mr. Wight has looked at the tennis court, which he believes only requires some basic maintenance in order to be usable. He also spoke of the current location of the skatepark allowing for adequate supervision. Mr. Wight also noted that if issues are occurring with abutters of the skatepark in the downtown area, these issues will not be reduced by moving the skatepark to a residential area on a dead-end street. He personally had to install a fence around his property to keep people from using his property as a shortcut. Mr. Wight suggested that some trees be cut around the skatepark for better visibility by Police Department patrols.

Bonnie Cyr stated that she does not want her child in an unsupervised area. She believes all the children are being punished for the action of a few (referring to the skatepark having previously been closed for a period of time following some vandalism to abutting property). Ms. Cyr suggested that the trash containers be emptied more often in order to reduce the litter problem at the skatepark. She also noted that moving the skatepark would only be moving the problems out of sight, out of mind. Ms. Cyr thinks that the present location was chosen, in part, because of its proximity to the Police Department. She also suggested that a port-a-potty be placed on the premises, as well as something to offer shade and possibly some picnic tables. Ms. Cyr added that the present location offers close proximity to water and food and referred to the substantial funds that might be required to effect the proposed change in location. She stated her opinion that the youth who use skateboards are not being given the same significance as children who bike, etc.

Mr. Morrill noted that it is great to hear the comments of the residents; however, he stressed that it is not the Town's responsibility to monitor the children's activities, to make sure they are hydrated, to ensure that they are not being exposed to smoke, etc.

Board of Selectmen
June 19, 2006
Page 6

He added that to say the Board is picking on the skateboarders is simply not true. Many people, including the family of Ms. Cyr, have contributed considerable effort to create the skatepark. However, abutting property owners also deserve respect and attention. Mr. Morrill stressed that the Board wants to hear the residents' comments and intends to move slowly on this issue. Discussion followed regarding the ability of the children to police themselves, to a certain extent.

Mark Shackford indicated that he purchased his home on a dead-end street in order to experience peace and quiet. He feels that moving the skatepark to an unmonitored area with limited parking is a poor idea. Mr. Duffy stressed that Wayne Robinson has done a terrific job at the skatepark. He noted that although the Police Department does patrol the Forest Hills area, and brush could be cut at the tennis courts to improve visibility, he also lives in Forest Hills and believes it is best to fence in the existing skatepark and leave it where it is.

Becky Barreiro stated that she works at Curves (in a building adjacent to the skatepark) and has not noticed any issues. She added that the construction site is fenced off and should not present a problem to those using the skatepark. Ms. Nason asked whether the current tennis courts could be made usable, thereby adding a recreational activity for the town. Mr. Morrill indicated the intent is to re-establish the tennis courts where the skatepark is currently located.

Tim Lloyd advised that he lives next to the tennis courts. He has seen police patrols only at mid-day and at night. Mr. Lloyd is concerned about polluting the pond on that property. He added that his children enjoy the current skatepark.

Irene Martell referred to the original Forest Hills development and asked whether the tennis courts were considered 'open space' at that time. Mr. Morrill advised that the property was considered 'common space' and was owned by the Forest Hills Lot Owners' Association. Mr. Duffy further explained that the Association dissolved and the taxes on the property were not paid. Eventually the property was transferred to the Town via Tax Collector's deed.

Ms. Martell noted that there was an injury at the skatepark this past weekend, adding that were the skatepark in the Forest Hills area, there would have been no access to a public telephone. Mr. Morrill noted that was a good point. Ms. Martell also spoke to the demeanor of the users of the skatepark, noting her opinion that those individuals were not likely candidates for vandals. Mr. Morrill indicates that the vandals came from the skatepark; however, they may not have actually been one of the local children. More discussion followed regarding self-policing. Ms. Martell suggested that additional brush be cut at the existing skatepark and that a fence be installed.

Mr. Morrill asked for a show of hands of those in favor of moving the skatepark. [No hands were raised.] Mr. Morrill and Mr. Duffy agreed that since there was no support of the proposal, they would not consider such a move. Ms. Cyr believes the children who turned in the vandals should be given credit for taking care of their park. Mr. Morrill stated he is pleased with those efforts, as well as with the efforts of Mr. Robinson in working with limited tax dollars.

Mr. Lloyd referred to the former ownership of the tennis courts by the Forest Hills Lot Owners' Association and his previous inquiry into the possibility of redeeming those taxes owed. Mr. Morrill directed Mr. Lloyd to contact the Town Administrator during regular business hours, adding that the Board is not prepared this evening to discuss a legal issue that occurred years ago.

Mr. Robinson announced that two picnic tables have been donated for the skatepark.

b) Lisa Fabian re: Operation of Food Trailer at Town Beach – Ms. Fabian has applied for a Hawkers & Peddlers License but must have Board approval to operate on Town property. Ms. Fabian advised that she is licensed by the State and plans to sell hot dogs, cold sandwiches, cold drinks, etc., from 9-2, then again from 4-7. In response to Mr. Morrill, Ms. Fabian advised that she plans to set up her operation in the first parking space at the end of the sidewalk (near the dam), with the window open towards the sidewalk. Again, in response to Mr. Morrill, Ms. Fabian advised that she plans to take the 5'x7' trailer home each day, that she requires no services and will dispose of her own trash. Mr. Morrill advised this proposal will be discussed with Town Counsel, as well as with the Town's liability insurance provider. Ms. Fabian confirmed that she will have insurance coverage if her proposal is approved. Mr. Robinson noted that the beach will open on June 24 and will be open each day from 10-6 only. He added that the food trailer sounds like a good idea. Mr. Morrill advised Ms. Fabian that the Town Administrator will contact her within the next several days.

3. Old Business

a) Cartographics Contract – Ms. Frost has discussed these contracts again with Franco Rossi, as well as with the Public Safety departments. If we eliminate the dispatch mapping for this year, then we have sufficient funds to cover the proposal. Additional funds would need to be appropriated for next year to update the dispatch maps. According to Chief Merrill, he can 'live' without new maps in the interim, as the department can manually update with information provided by Code Enforcement. **Mr. Morrill moved execute the contract with Cartographics in the amount of \$11,145. Mr. Duffy seconded the motion, which passed 2-0.**

4. New Business

a) Salmon Falls Architecture re: Contract Addendum – SFA has submitted an addendum to the contract for Town Hall renovations, which would require payment of one-half the original contract amount. **Mr. Morrill moved to execute the Contract Addendum as submitted by Salmon Falls Architecture. Mr. Duffy seconded the motion, which passed 2-0.** Ms. Frost advised that SFA is currently behind schedule and won't start the drawings until mid/late summer. Ms. Frost will request an expected completion date, with hopes of soliciting bids in the fall.

5. Correspondence

a) David Haag – Ms. Frost presented an e-mail from David Haag in which he submits his resignation as Alternate to the Zoning Board of Adjustment. **Mr. Morrill moved to accept the resignation of David Haag as tendered. Mr. Duffy seconded the motion, which passed 2-0.**

b) Joanne Dolbear – Ms. Frost presented the resignation of Joanne Dolbear as secretary for the Heritage Commission. This will be discussed further in Non Public Session.

6. Unscheduled Matters/Public Comment

--Steve Doyle of the 7 Lakes Snowmobile Club provided photographs showing a vehicle left on Pray Hill Road, as well as the condition of Pray Hill Road itself. He indicated that an emergency vehicle would not be able to travel that portion of the road in its present condition. The section which has washed out is on the Class VI portion of the road. The snowmobile club can obtain a grant to repair the road; however, they do not want to spend the money if the road will continue to be misused. Discussion followed regarding the possibility of gating off the road. Ms. Frost will discuss with Town Counsel.

7. Administrative Matters

a) Liaison Reports – This will be addressed at the regular meeting on 6/28.

b) Administrator's Update

--Cemeteries: We have received a number of complaints regarding the maintenance this year. Ms. Frost noted that the maintenance contract was awarded late. Then the abundant rain resulted in a rush to catch up. Ms. Frost will discuss these issues with Bob Glidden, Chair of the Cemetery Trustees.

--Pump Station #2 Generator: Lost one leg of power. CAT could not get the problem to repeat itself, and the generator now seems to be working fine. We are moving forward with replacement of the pumps (at a higher cost than anticipated).

--Turntable Park: Rick Sager, Pam Judge and Ms. Frost will attend a meeting on June 22 at the Legislative Office in Concord where they expect to have a price set for the property. We are still seeking an estimate for the archeological study.

**Board of Selectmen
June 19, 2006
Page 9**

--Junior Paradis of Beloin Construction inspected the connector with respect to the recent leak. He believes that water is backing up in the gutters and that a roofer will be needed. The problem may be with the Gafney Library gutters.

--The Heritage Commission is applying for a grant through the Certified Local Government Program. They will need the Selectmen's support/approval. The Commission would like to get storm windows for the Grange Hall.

Mr. Morrill moved to enter Non Public Session under RSA 91-A:3, II (a). Mr. Duffy seconded the motion. Roll call vote: Mr. Duffy – ‘aye’; Mr. Morrill – ‘aye’. The Board entered Non Public Session at 9:20 p.m.

The Board returned to public session at 9:25 p.m.

c) Building Permit Releases – Mr. Morrill moved to approve building permit releases for Solimeno on Wayside Drive and Walsh on Cove Road. Mr. Duffy seconded the motion, which passed 2-0.

d) Minutes – Mr. Morrill moved to approve the minutes of May 31 and June 7, 2006. Mr. Duffy seconded the motion, which passed 2-0.

There being no further business the meeting adjourned at 9:35 p.m.

Respectfully submitted,
Toni Bodah, Secretary

Approval of Minutes:

Paul S. Morrill, Chairperson

Mark P. Duffy

John J. Blackwood