

**GREENLAND BOARD OF SELECTMEN
MEETING MINUTES**

Monday, March 8, 2010

Members Present: Chair Mo Sodini, Vice Chair Paul Sanderson, Bruce Dearborn, Jon Wendell and Charles Cummings

Staff: Karen Anderson, Town Administrator

Agenda

Chair Sodini opened the Board of Selectmen public meeting at 7:00 P.M. He announced that a quorum was present and the meeting was being recorded.

Appointments

1. Bob Cushman, re: Stearn's Way discussion and Building Dept. update

Bob Cushman, Building Inspector, approached the Board to review the proposed plan for Stearn's Way as prepared by Michael Gill's engineer, Paul Connolly of Civilworks Engineering. Mr. Sodini asked who is responsible for enforcing the Superior Court order that the Gordon's garage be removed due to its encroachment onto Stearn's Way. He noted that a new roof was put on the garage this past weekend. There was a question whether there is an option to adjust the location of the road to allow the garage to stay, or does the court order stand. Mr. Cushman stated he denied Mr. Gordon's permit request to alter the garage roof line, but did issue a permit for Mr. Gordon to re-shingle the roof at 522 Post Road. Mr. Gordon told him that he was no longer under the court order because it "had not been enforced within the one year timeframe", per Mr. Gordon's attorney. Mr. Sodini questioned if the enforcement of the order was up to the Selectmen or the Building Inspector. Mr. Sanderson stated they have a final Supreme Court order that states Stearn's Way exists and another court order that states the Gordon's had defaulted and the garage needs to be removed. Mr. Gill now wants to exercise his right to use the road and if the garage causes a problem, the Town can spend public resources to enforce the court order.

Paul Connolly, Civilworks Engineering, was present and explained the plans before the Board. He stated they have been submitted to the NH DOT, PSNH, Town Engineer and the Town's fire chief. The plans show improving the existing way to a 12' gravel way with 18" gravel shoulders, which is based on Planning Board requirements. Mr. Sodini asked why DOT was involved. Mr. Connolly stated DOT cannot deny the access/curb cut, but can control how it is altered. He stated there is no desire or effort to change the classification from a Class VI road.

A draft agreement for liability and building permits (attachment 1) was presented for review. Mr. Connolly noted the improvements have been designed to allow the garage portion to remain and noted Mr. Gill is willing to allow it to remain. Mr. Sodini asked what the timeframe was for the improvements. Mr. Connolly responded it would be in the summer 2010. Mr. Sanderson stated they need to submit the plans back through

the Planning Board for review under RSA 674:41 and get comments back from the police chief, fire chief and DOT. He noted they may also want to have a public hearing regarding the encroachment of the garage. The problem can be fixed by moving the road slightly. Mr. Sanderson noted that DOT may require the Gordon's to use Stearn's Way as their driveway. Mr. Sanderson confirmed that the building permit request was for one house, not a subdivision. Mr. Connolly responded yes. After the discussion, the following motion was made:

Motion 1: Paul Sanderson moved that the Board of Selectmen refer the plans submitted by Civilworks, to the Planning Board for comment and await further comments from DOT, the police chief and fire chief, and then determine if a public hearing is necessary. Jon Wendell seconded the motion.

Stephen Gerrato, 512 Post Road, stated due to the severity of this matter, he recommends the Board speak with the surveyor that surveyed Stearn's Way. He presented RSA 231:28 regarding improvement of a class VI road. Mr. Sanderson explained that RSA 231:28 did not apply; the Town is not funding any improvement of Stearn's Way. Mr. Sanderson gave Mr. Gerrato a copy of the plan and asked he bring his concerns to the Planning Board.

There was a vote on Motion 1. All were in favor. MOTION CARRIED.

Mr. Cushman outlined the Falls Way roadways and indicated the construction cost estimate of the Phase II roadway to be bonded in the amount of \$164,887.80. He stated they held the pre-construction meeting on March 2, 2010.

Mr. Cushman stated he just issued five more certificates of occupancy in the Falls Way Phase I area.

Mr. Cushman updated the Board on the follow-up inspection at the Greenland Central School that took place last Wednesday. He noted the Fire Chief, Beverly Kowalik and himself completed the inspection and the appropriate work is being done to correct some of the problems. Mr. Cushman indicated he would be working with the Fire Chief to complete other commercial inspections within the next year and a half.

The Board discussed the Building Department goals for this year. Mr. Cushman noted one goal would be to focus on the Town's brownfields site on Breakfast Hill Road. Another goal would be to standardize cease and desist and/or violation forms and letters.

Mr. Cushman updated the Board on the regional impact meeting of the Rye project (56-room assisted living facility that abuts Town property). He stated the natural buffer would remain the same. He indicated he told Rye that Greenland is interested in a 50' access from Route 1 through the Town's property onto Breakfast Hill Road. The developer has said there may be two easements across the Bethany Church property, which our tax maps already show. Mr. Cushman stated Rye water may be available to the Town's lot.

Mr. Cushman submitted three temporary storage permit requests for Board review and approval. The first one was for 588 Portsmouth Avenue, for

the storage of sails for 4-5 months. After the review, the following motion was made:

Motion 2: Paul Sanderson moved to approve the temporary storage permit for 588 Portsmouth Avenue. Jon Wendell seconded the motion. All were in favor. MOTION CARRIED.

The second request was for 1119 Portsmouth Avenue, for the storing of house contents while the homeowner is repairing a broken beam. After the review, the following motion was made:

Motion 3: Paul Sanderson moved to approve the temporary storage permit for 1119 Portsmouth Avenue. Charles Cummings seconded the motion. All were in favor. MOTION CARRIED.

The third request was for 176 Breakfast Hill Road, for the storage of personal furnishings while relocating to Greenland, due to a family illness. After the review, the following motion was made:

Motion 4: Paul Sanderson moved to approve the temporary storage permit for 176 Breakfast Hill Road for one year. Charles Cummings seconded the motion. All were in favor. MOTION CARRIED.

Administrative & Other Items

1. Abatements

The Board revisited the abatement request of 49 Tidewater Farm that was discussed at the February 8th and 22nd meeting. They noted the assessor did revise his recommended assessment after one more review. After the review, the following motion was made:

Motion 5: Paul Sanderson moved that based on the assessor's revision, the Board approve the abatement request for 49 Tidewater Farm Road, Map R13, Lot 68, in the amount of \$89,100.00. Jon Wendell seconded the motion. All were in favor.

2. Timber Intent to Cut

The Board reviewed an intent to cut for R2, Lots 5B, 5E, 5F, 5G in the Falls Way subdivision. After the review, the following motion was made:

Motion 6: Jon Wendell moved to approve the intent to cut for R2, Lots 5B, 5E, 5F, 5G in the Falls Way subdivision, as presented. Bruce Dearborn seconded the motion. All were in favor. MOTION CARRIED.

3. Accounts Payable Manifest #5

The Board reviewed accounts payable manifest #5, dated March 11, 2010, in the amount of \$425,526.63. After the review, the following motion was made:

Motion 7: Charles Cummings moved to approve accounts payable manifest #5, dated March 11, 2010, in the amount of \$425,526.63 as presented. Bruce Dearborn seconded the motion. All were in favor. MOTION CARRIED.

4. Town meeting preparations

The Board discussed the warrant articles that will be presented at Town Meeting and assigned which warrant articles each Board member would speak about.

MINUTES

The Board reviewed the minutes of February 22nd. There were no suggested changes made to the minutes and the following motion was made:

Motion 8: Charles Cummings moved to approve the February 22nd minutes as presented. Paul Sanderson seconded the motion. There was a vote of 4 for and 1 abstained (J. Wendell). MOTION CARRIED.

The Board reviewed the minutes of March 1st. There were no suggested changes made to the minutes and the following motion was made:

Motion 9: Charles Cummings moved to approve the March 1st minutes as presented. Mo Sodini seconded the motion. There was a vote of 3 for and 2 abstained (P.Sanderson, J. Wendell). MOTION CARRIED.

Other Business

1. Deborah Beck, 1039 Portsmouth Avenue approached the Board to discuss bringing the Road Agent position back. She suggested the Board consider appointing Jim Jones to that position for this year and then have it become an elected position. Ms. Beck noted he would be a valuable resource.
2. Mr. Dearborn thanked the Board and stated it has been a privilege and honor to serve with them for many years. The Board responded by thanking Mr. Dearborn and Mr. Wendell for their wonderful contributions and service.

Having no other business to discuss, the following motion was made:

Motion 10: Jon Wendell moved to adjourn the meeting at 8:37 P.M. and Bruce Dearborn seconded the motion. All were in favor. MOTION CARRIED.

Transcribed and typed by:

Amy Leonard
Selectmen's Secretary

Attachments:

1. Draft agreement for liability & building permits on Stearn's Way
2. Agenda, dated 3/8/10

Approved by the Greenland Board of Selectmen on March 22, 2010.