

Note: Draft minutes are subject to corrections, additions and deletions.

June 5, 2017

6:00 PM RSA 91-A:3,II(a) Non-public session

PRESENT: Jim Waddell, Chairman
Regina Barnes, Vice-Chairman
Rick Griffin, Selectman
Phil Bean, Selectman
Rusty Bridle, Selectman

On MOTION of Selectman Bridle SECONDED by Selectman Barnes, the Board of Selectmen voted unanimously by roll call (5-0) to go into a non-public session at 6:00PM under RSA 91-A:3, II (a).

[Minutes Sealed]

On MOTION of Selectman Bean, SECONDED by Selectman Griffin, the Board of Selectmen voted unanimously to reconvene the public session at 6:58PM.

On MOTION of Selectman Bridle, SECONDED by Selectman Bean, the Board of Selectmen voted unanimously by roll call (5-0) to seal the minutes as it would affect adversely the reputation of any person other than a member of this board.

7:00 PM Public Meeting reconvened in the Town Manager's Conference Room

PRESENT: Jim Waddell, Chairman
Regina Barnes, Vice-Chairman
Rick Griffin, Selectman
Phil Bean, Selectman
Rusty Bridle, Selectman
Frederick Welch, Town Manager

SALUTE TO THE FLAG

I. Public Hearing

1. Large Groundwater Withdrawal Permit Application – Preliminary Application
Aquarion Water/NH, PWS ID 1051010 Well 22, Hampton NH

Public Hearing held in the Selectmen's Room

II. Public Comment Period

Norman Silberdick: on April 24, 2017 Selectmen approved changes to the purchasing policy described as clarification of intent non-substantial changes; updated policy posted on website and included increase of threshold requiring sealed bids from \$15,000 to \$50,000 signed by all

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the Selectmen. On May 5 wrote a letter on behalf of the Rational Taxpayers, which was critical of the threshold amount; May 8th meeting the Town Manager stated the purchasing policy has not changed and taxpayers were confused. The April 24th version of the purchasing policy is gone from the town's website and replaced by the prior version of the August 10, 2016; concerned to go back to \$15,000 for a sealed bid; later discuss with clarifications. A lot of construction and paving work going on in Town and would like to know how the bids were conducted.

Charlie Preston: came before the Selectmen January 23, 2017 asking to open a gate in the northwest corner of the Town Parking Lot; opposite wheel chair ramp to the Fire Department on Brown Avenue. If you exit lot, switch lanes on Ashworth turn up G Street cross 13 of the busiest crosswalks in Town, turn onto the narrow entrance onto 101, pass water tower, which is a mile drive. My proposal would cut that distance in half and only cross 2 of the slowest crosswalks; parking lot Superintendent Vic had a concern of people entering this exit; Selectman Bridle had concern Brown Avenue was too narrow. G Street is narrower; entrance to 101 Church Street is also narrower; had discussion with both Chief's and DPW informally and no one expressed any serious concerns. Chief Sawyer came to meeting and expressed it was worth exploring; longtime business owner was struck by a car in a crosswalk; hopefully Dave will recover in good shape, we are all pulling for him. Anytime we can reduce pedestrian/motor vehicle interaction we should do it; keeping as many vehicles off the boulevard as possible, can and should reduce rubber necking; distractions. Please move to allow and if I am wrong then close the gate.

Vic Demarco: being a Town employee, so I cannot comment as is done through channels; talking as an individual that runs the parking lots. Major problem of exiting out of that location; cross eastbound lane from the parking lot and wanting to go westbound you have to cross lane of traffic and cannot see traffic going westbound; one major problem. The second major problem is to width; corner as you turn, if car going either way at the same time there is no way a fire truck, ambulance or cruiser can get through there; they cannot pull over as there is nowhere to go. Bad traffic situation through there; have not had a problem to date; we open it up on Wednesday nights for residents that are aware of it to go out that way; no use opening it up on weekends as it is bumper to bumper.

III. Announcements and Community Calendar (11:09)

Selectman Bridle: Dave is still very ill and our thoughts and prayers are with him.

Chairman Waddell: the Conservation Commission has asked me to read the following: the Hampton Conservation Commission lead a clean-up of Hampton's Town forest on Saturday and they and a group of dedicated volunteers got a lot done. Thanks to Hampton DPW for providing a gator and a one-ton truck, Police Chief Sawyer and Jane Cypher who came and helped, Chief Sawyer helped with driving both the gator and the DPW truck. The Commission also appreciates the help of the other volunteers, including, a group of bike riders who frequent the trails in the Town forest. Also, three truckloads of scrap including a refrigerator, scrap metal, tires, countless bags of gun shells, beer cans and other trash were removed. Six sections of the forest including the target shooting range, the fire pit and the party pit were cleaned and the effort helped return the forest to its natural state so everyone can safely enjoy it. The Conservation Commission will continue the clean-up effort and also be working on marking and mapping trails for hiking, running and bike riding; anyone interested in helping with future

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projects in the Town forest should contact Conservation Coordinator Rayann Dionne at (603) 929-5808.

IV. Consent Agenda (12:47)

1. Parades & Public Gathering License: Smuttynose 5k 07/01/17
2. Use of Town Property: Ruth Stimpson Park Matosic Wedding 06/17/2017
3. Banner/Sign License: Hampton Historical Society 08/11/17-08/27/17
4. Raffle Permit: 50/50 Hampton Historical Society 08/26/17
5. Donation to Recreation and Parks: \$3,900 from Wally's Pub Intent to Cut Wood or Timber: Map 167, Lot 1, Exeter Road
6. RSA 42:14-a Modification of Deed Restriction: 7 Ninth Street Deed Restriction #3 allow fence of no more than a four-foot height; 30 Dover Avenue Deed Restriction #3 allow fence of no more than a four-foot height
7. Request for No Objection: RSA 178:21 Restaurant Bev/Wine/Liquor License 19 Ocean Blvd Walter Lapa with service outdoors; RSA 178:21 Seasonal Restaurant-Beverage/Wine/Liquor License JB's Seafood 187 Ocean Blvd
8. 2017 Re-Appointment of Forest Fire Wardens

Selectman Bridle MOTIONED to MOVE the Consent Agenda SECONDED by Selectman Barnes.

VOTE: 5-0-0

V. Approval of Minutes (14:27)

1. May 16, 2017

Selectman Bean MOTIONED to APPROVE the minutes of May 16, 2017 as submitted SECONDED by Selectman Bridle.

VOTE: 5-0-0

2. May 22, 2017 Public and Non-public Session

Selectman Bridle MOTIONED to APPROVE the Public and Non-Public Session minutes of May 22, 2017 as submitted SECONDED by Selectman Barnes.

VOTE: 5-0-0

VI. Appointments (14:52)

1. Chris Jacobs, DPW Director & Jen Hale, DPW Deputy Director
 - a. Grinding of Earth Materials Work Quote

Director Jacobs: there is a 50-60' high large pile of earth materials; 3 quotes; specialized equipment used; used this company 7 years ago; estimate will be \$65,000 for the pile; allotted in Warrant Article 19.

Selectman Bridle: tried for 3 bids; specialized equipment that not everyone has.

Selectman Bridle MOTIONED to APPROVE the Town accepts the quote provided by Malcom Basher Co., Inc. for \$3.90 per ton of processed material for a total estimated contract value of \$65,000 dollars. Further noting the funding to come from Warrant Article 19 approved in March 2017 SECONDED by Selectman Barnes.

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VOTE: 5-0-0

b. Professional Engineering Services: Lafayette Road Sewer Replacement Additional Soil Investigation Amendment #1

Director Jacobs: we have contracted with Wright-Pierce Engineers and they have identified the need for geotechnical investigations based upon the latest work being done by Aquarion; do a more thorough design; increase contract by \$5,200 for a total contract value of \$42,200

Selectman Bridle: why the change? Director Jacobs: they are running into some ground water; do a soil investigation.

Selectman Bridle MOTIONED to APPROVE the Professional Engineering Services: Lafayette Road Sewer Replacement Additional Soil Investigation Amendment #1 to increase the contract by \$5,200 - total contract \$42,200 SECONDED by Selectman Barnes.

VOTE: 5-0-0

c. Experience Hampton Approved Warrant Article: Engineering Study Agreement with Unutil Electrical Design Services for Downtown Revitalization \$180,000

Director Jacobs: we had been meeting with Unutil and they had been looking at the project to remove all overhead utilities lines along Lafayette Road and came up with a design figure of \$180,000; paid for by the Warrant Article. The contract has to be with Town; asking manager to enter into a contract with Unutil to fund their engineering services; cannot do without their engineering design.

Selectman Bridle: this is all part of the \$300,000 and 10% will come from Experience Hampton. Director Jacobs: yes.

Selectman Bean: compliance with bid requirements. Director Jacobs: not really in that we pay them \$180,000 or not go forward; this is their in-house engineering.

Selectman Bean: is there a scope of services agreement. Director Jacobs: they sent it over; designs; would need to be more material to this contract than just a single page agreement.

Selectman Bridle: if we are going to pay, which we need to do, but need to protect the voter's money and make sure we get what they say they are going to give us; they can spill it out better than the one page deal.

Selectman Barnes: how much of this \$180,000 out of the \$300,000 is it covered for? Director Jacobs: original estimate from them was \$180,000; reason Experience Hampton came up with \$300,000 was we started discussing the cost of a survey, etc. and came up with \$300,000 and them coming up with 10%.

Selectman Griffin: are we approving this after we see a contract.

Selectman Bean: we do not know what we are buying for \$180,000.

Selection Bean MOTIONED to receive a more detailed contract with full scope of services and a detailed work list of the \$180,000 moving forward SECONDED by Selectman Griffin.

VOTE: 5-0-0

Chairman Waddell: what Norm was talking about the bidding that has gone on for the paving; briefly discuss. Director Jacobs: this year's work currently going on, we bid that out last year

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in 2016, had approximately \$300,000 left over; we encumbered it last December; our original low bidder agreed to hold last year's prices to this year; able to move forward on projects like Mill Road and High Street. We received from this group authority to continue to hold the 2016 contract for the spring work only.

Selectman Bridle: had flooding at the beach, which we will have every King Tide; one of the oldest roads in town. Director Jacobs: drainage analysis where Meadow Pond empties out into Eel Creek; between High Street and Cusack is diverting the water; no environmental agency is going to let us do that unless we do some evaluation; clear pipe; make channel; all interconnected; will continue to go into neighborhood.

Selectman Bridle: part of the study, would it include dredging of Mill Pond? Director Jacobs: yes, 3-4 locations need to be addressed; short and long term project.

Selectman Griffin: a woman states it is not just from the King Tide; High Street is from the tide; drains not working is not the tide; it is rainwater that cascades and comes in; Ocean Boulevard and Boars Head area because drains do not work; phragmites; compounded by State that has drains that do not work.

Chairman Waddell: phragmites are an invasive plant; they do not want us to cut down and get rid of? Director Jacobs: if we do take them out, have to take out properly and dispose of properly; they put down root structure.

Selectman Griffin: we used prisoners. Town Manager Welch: they helped us out on High Street.

Selectman Griffin: problem is they are only cutting them back; not taking them out and they grow back. Town Manager Welch: you have to pull them out roots and all and destroy/burn them.

Chairman Waddell: Plaice Cove stairs; is there still a sign up that it is closed. Director Jacobs: yes, the sign should be removed.

Chairman Waddell: still complaints people having a hard time getting downstairs; can the railing be extended. Director Jacobs: yes and another slab of granite added; stepping-stones.

Selectman Bean: this is simply a study from Unutil to go from Exeter Road to Winnacunnet Road. Director Jacobs: yes, they are going to tell us the cost and methodology.

Selectman Bean: \$180,000 from Exeter Road to Winnacunnet Road; electricity through an electric cord. Director Jacobs: conduit.

Selectman Bean: taking it from a pole and put underground; very short distance; keen in a detailed analysis of why that is going to cost Unutil \$180,000; I don't get it; a lot of taxpayer money in a short distance; it is way out of whack.

Selectman Griffin: I agree.

Director Jacobs: I will communicate with John Nyhan.

Selectman Bean: John Nyhan has nothing to do with it; a warrant article has been approved; between Board of Selectmen, Town Manager, you and us getting the best bang for our buck and \$180,000 for this engineering study is way over the top.

Selectman Barnes: they are the only ones that can do it.

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Selectman Bean: it is their lines.

Selectman Barnes: we still will have a problem from 1A because the drains are not working; we need to get the drains fixed.

Director Jacobs: that drainage is tied to the Bicentennial seawall; contract is pending and told the State the drain was plugged with sand; will tell the State what their portion will be; Cinnamon Rainbows.

Selectman Griffin: the State just fixed one at 400 Ocean Boulevard; dumping water into ocean; not complaining about the high tides; fresh water is feeding the phragmites.

Town Manager Welch: we tried to free drain in front of Rick's building, as it was flooding the whole street; probably has never been cleaned; they need to tear them all out and rebuild.

Selectman Griffin: they need to start fixing; they need to be held accountable.

Selectman Bean: these are State drains; what is the highway district that is responsible? Town Manager Welch: yes, Division 6; they go to the Ashworth.

Selectman Bean MOTIONED requested by DPW Manager and Town Manager on behalf of the Town of Hampton a list of drains, latest inspection reports; latest cleaning and how regularly they are cleaned and receive report within 10 days SECONDED by Selectman Barnes.

VOTE: 5-0-0

Selectman Griffin: they clean them, but it does not do any good, as they do not work

VII. Town Manager's Report (45:25)

1. Night Work has begun for the replacement of the Aquarion Water Main on Lafayette Road. The hours of work are generally from 10PM to 6AM. Please be mindful of workers in the roadway and posted detours.
2. The Public Works Department is actively planning and preparing to remove the granite blocks on Drakeside Road at the old railroad bridge crossing. Work is expected to begin after schools close in June. The roadway will be closed for the required work. The Department is actively working to fill the potholes but high water and rain continues to washout the filled holes on almost a daily basis. Please drive carefully through this area, and if possible, please use an alternative route to your destination.
3. A number of streets are receiving paving repairs. High Street from Mill Pond Lane to King's Highway, Cusack Road from Seaview Avenue to Ocean Blvd, Mill Road from Winnacunnet Road to Mace Road and Acorn Road. All roads are to receive milling, base course hot top, catch basins, and manholes to be adjusted with final course of hot top applied May 31st to June 9th.
4. The State DOT continues to work on US Route 1 with detours in place for bridge work and other activities.

Chairman Waddell: what Norm said about the approved bid; that was a typo wasn't it? Town Manager Welch: yes, it was a typographical error.

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Chairman Waddell: so when we made the motion. Town Manager Welch: it was based on a false document.

Chairman Waddell: do we need to resign. Town Manager Welch: the intention was to change nothing; clarify some language and we will get back to do that at some point of time; intention was not to change the bid requirement; we removed the typo. Do not want to give a false impression that somebody who may wish to bid, look at the document, and say we do not have to bid, that is not the case they do need to bid.

VIII. Old Business (49:32)

1. Ashworth Parking Lot Gate

Town Manager Welch: we asked the DPW, Police, Fire, and Parks and Recreations Departments and based upon the boards discussion they are all in favor of trying it on a trial basis on Wednesday and Sunday nights; fireworks, activities and see how it works. Give it a try, have nothing to lose and if it gets to be a problem we just close the gate.

Selectman Bridle: poor idea.

Selectman Barnes: to let people out only, not all day long; good idea.

Selectman Griffin: I am in favor.

Chairman Waddell: I am kind of with Rusty.

Selectman Bridle: I worked down there 30 years and been on an ambulance that has clipped a couple of cars trying to get off the beach; only way to get off beach to get up town; least time you want to put more traffic on the street.

Selectman Griffin: the police and fire department supported it, so that is why I am supporting it.

Selectman Bean MOTIONED to APPROVE the Ashworth Parking Lot Gate SECONDED by Selectman Barnes.

VOTE: 3-2 (Bridle, Waddell)-0

2. Signing of Hampton Falls Perambulation (51:28)

Town Manager Welch: it is required by statute and we have finished; looking to DPW to get some engineering markers to mark the individual granite posts to make it easier to find; the Selectmen had a good day walking around the woods

Chairman Waddell: do we need a motion or just sign it? Town Manager Welch: just sign it.

3. Approval of CIP to release to CIP Committee (52:33)

Town Manager Welch: we have a 253-page report listing the items the departments have presented for consideration for the Capital Improvement Plan; go to Planning Board's Committee on Capital Improvements and they will make some sort of compendium of the information and recommendation; make up the warrant articles for everything in there.

Selectman Barnes: this is the second year I have been the Selectmen's representative and they have not had a meeting; the need to schedule a meeting as to why the warrant articles are necessary and have more information. Town Manager Welch: that is a Planning Board matter; helps if you sit and discuss.

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Chairman Waddell: who is the Chairman of the committee? Town Manager Welch: Tracy Emerick.

Selectman Barnes: I will talk to Tracy.

Town Manager Welch: it is important to have an official report by statute filed; if the report is not filed, we cannot collect money by subdivisions for school improvements.

Selectman Bridle MOTIONED to APPROVE the release of the CIP to the CIP Committee SECONDED by Selectman Barnes.

VOTE: 0-0-0

IX. New Business

1. New Hampshire Cost Sharing Ambulance Coverage

Town Manager Welch: provided each member a memo from the Fire Chief, which follows up on the discussion with the Speaker of the House and ask for second coverage; have them cover ambulance coverage for a full time ambulance at the beach station

Selectman Bean: have examined the 1933 document, in the document there is nothing to give consideration that we would provide any ambulance service on the beach; legally have no right not to bill the responsible party, which is the State of NH. Who would be the responsible party to send the bill to the State with an enclosure a copy of the 1933 agreement? Town Manager Welch: I believe it would be the entity that controls the beach, which is DRED.

Chairman Waddell: is it just the east side, how do we determine. Town Manager Welch: we answer calls for the entire beach.

Chairman Waddell: the State owns the east side. Town Manager Welch: the east side of Ocean Boulevard; sidewalk to Ocean.

Chairman Waddell: so we just do cost sharing with everything. Town Manager Welch: yes.

Selectman Bean MOTIONED for a bill and the 1933 Agreement sent to the State for \$44,230.68 representing the 2017 Operation Expenses for the Hampton Fire Department Beach Ambulance Cost Sharing Coverage SECONDED by Selectman Griffin.

VOTE: 5-0-0

2. Request to name the new street "Labrador Lane" in the Subdivision at 653-663 Exeter Road

Selectman Griffin: long-time residents and has this property for many years.

Chairman Waddell: this has been cleared with 911; no problems. Town Manager Welch: as far as we know, there is no problem.

Selectman Bean MOTIONED to APPROVE the name the street "Labrador Lane" in the Subdivision at 653-663 Exeter Road SECONDED by Selectman Barnes.

VOTE: 5-0-0

3. Vote on RSA 41:14-a Proceedings "Amend and Release of Town owned Deed Restrictions on formerly Leased Land"

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- a. Diane Crabtree & P. Douglas Grearson, 751 Ocean Boulevard and Michael & Kelley Sexton 4 3rd Street: Release of Deed Restriction #4 “The only structures permitted to be erected or placed upon said lot shall be one-single family dwelling,...” to allow two free standing one-family dwellings

Selectman Bean MOTIONED to APPROVE the release of Deed Restriction #4 “The only structures permitted to be erected or placed upon said lot shall be one-single family dwelling,...” to allow two free standing one-family dwellings for 751 Ocean Blvd and 4 3rd Street to allow two free standing one-family dwellings SECONDED by Selectman Griffin.

VOTE: 5-0-0

4. Request of Lane Memorial Library Trustee Chairman for NHMA Legal Services (58:48)

Selectman Barnes MOTIONED to APPROVE the request of Lane Memorial Library Trustee Chairman for NHMA Legal Services SECONDED by Selectman Bean.

VOTE: 5-0-0

5. Request for Crosswalk at 593 Ocean Blvd to NHDOT

Town Manager Welch: we received a request for a crosswalk, and we referred the person requesting to DOT to paint the crosswalk and the DOT came back and said it was the Town’s responsibility. There is a statute, but a problem at this location is it is not handicap accessible, so the State is not required to put in a crosswalk at the location. It runs up the east side of the highway and steep banking there; poured 3-4 granite steps that go up to the sidewalk above and it is in violation of ADA. We have suggested to the State they should be in compliance and they should paint the crosswalk.

Chairman Waddell: we can send them a letter. Town Manager Welch: yes.

Selectman Bridle: my only concern is the way the present configuration is, they cannot make that ADA compliant; granite steps were put in when they changed the seawall; I would rather see them put a crosswalk further down by Little Jack’s. The State has liabilities with the sidewalk as high as it is without having a railing there; problem with people walking across and then navigating the 3’ climb there.

Selectman Griffin: there are people that have petitioned from the Boars Head area and they would like one at the Little Jack’s area. I have a problem that this being taken out of the plan to redo Ocean Boulevard; there is a big sign there say welcome to Hampton Beach; the State is planning on spending \$18,000,000, but not planning for this area for a measly \$28,000; very upset this was taken out of the plan. It is supposed to be a study that takes care of transportation, plus some major issues on the sidewalks on both sides of the street; looking at 2028 for the next 10 year plan; too long for it being kicked down the road.

Chairman Waddell: in the letter, we request the sidewalk or an investigation into where a better ADA sidewalk can be placed in the general area. Town Manager Welch: the conversation is correct and at one point, there was a sidewalk in the general area, but the State stopped painting the crosswalks; people need to get across to the ocean side and they are going to cross where it is safe. They need to put a crosswalk there, just like they need to fix the drainage there. They cannot continue to be left alone; part of the reason they dropped everything north of Boars Head is because they spent too much money trying to figure out how

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to make Ashworth Avenue two-way and no traffic on Ocean Boulevard. For this letter, we can request they move it up to basically north of Dumas Avenue and make it ADA accessible.

Selectman Bridle: they would have to do minimal work to make it compliant.

Selectman Griffin: this is the oldest area of Ocean Boulevard; this was there in the 1800s.

Town Manager Welch: it was there in the 1700s.

Chairman Waddell: do we need a motion. Town Manager Welch: no the direction is clear.

6. Hiring of outside Counsel to defend appeal of ZBA decision (1:05:49)

Town Manager Welch: we have a matter dealing with the decision before the Zoning Board of Adjustments; we had authorized outside counsel to accept service for us, as our current counsel cannot defend on this particular case, because of the individuals involved; conflict of interest. He would like officially to have you approve outside counsel to defend the appeal.

Selectman Bean MOTIONED to APPROVE the hiring of outside Counsel to defend appeal of ZBA decision SECONDED by Selectman Barnes.

VOTE: 5-0-0

Selectman Barnes: we had a non-public meeting at 6:00PM regarding merit raises/wage reviews and I would like to make a couple of motions.

Selectman Barnes MOTIONED the Board of Selectmen give a merit raise increase of 1.65% for all non-union members with exception of the Fire Chief and Town Counsel SECONDED by Selectman Griffin.

VOTE: 4-1(Bridle)-0

Selectman Barnes MOTIONED to award Mark Gearreald, Town Counsel a 4% salary rate increase SECONDED by Selectman Bean.

VOTE: 4-1(Waddell)-0

Chairman Waddell: I am not in favor of this, I think this year we should go straight across the board for everybody and should get a more systematic and scientific description of what everybody's job is and what they do. It should be an objective outlook when we give a raise; not a subjective outlook; I am against this and feel like we need more work on it and have gone back and studied five years on all the raises and have determined it is more a cost of living increase that people are getting. It is misnamed as a merit raise, it is more a cost of living raise we are giving; just think this year we do not need to take individuals and place them outside of what everybody else is getting; think it should be across the board.

Selectman Bean: there was substantial documentation and historical outside legal costs, some of requirements going forward; his performance was clearly meritorious of a raise.

Chairman Waddell: another issue Mark brought up to me; issue is going before the Zoning Board about the property on Lafayette Road to get a zoning waiver to put an auto dealership in there; the Conservation Committee brought up pictures of it flooding

Town Manager Welch: it was a former ice cream stand, former Jerry's Restaurant; they would like to put an automobile dealership with a repair garage; the photo provided shows almost up to the edge of US Route 1; wrong place to put a motor vehicle repair operation, as there are

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different chemicals which could contaminate the water; bad location. He wanted the board to consider it; very concerned we could have problems there in the future, that we do not need.

Selectman Griffin: what is history of why there is not supposed to be one there to begin with.
Town Manager Welch: the buildings have been torn down because of the persistent flooding and danger.

Selectman Griffin: it seems to me we had an ordinance of car lots in Hampton on Route 1.
Town Manager Welch: it is not permitted there as is the garage is an unpermitted use; looking to go before the Zoning Board of Adjustment for a variance to allow both to be placed on the property.

Selectman Griffin: I think we should keep to what the ordinance is now; there is a reason we do not want car lots. Town Manager Welch: a dangerous reason.

Attorney Gearreald: there are specific zones under Article 3 where the items are allowed and are not allowed; motor vehicle repairs shops are permitted in the business zone/business seasonal zone/industrial zone; other areas including the general zone are prohibited.

Selectman Griffin: is this the general zone. Attorney Gearreald: the application lists the particular zone; it is in general zone.

Selectman Griffin: we do not to have car lots everywhere.

Chairman Waddell: is this our authority or the Zoning Board of Appeals authority?
Attorney Gearreald: the town meeting passed the zoning provision and therefore, the Planning Board cannot vary something; the Board of Adjustments can allow a variance from it; the Selectmen do have the ability to speak in variance applications can speak generally in motions for rehearing, also because the Town is a direct abutter.

Attorney Gearreald: another section in Article 3 having to do with dealers is only allowed in the business zone, and is restricted.

Selectman Griffin: it is a beautiful area.

Selectman Griffin MOTIONED Attorney Gearreald should appear to reiterate the reasons in not allowing an Automobile Dealership/Repair Garage due to non-compliance with zoning and severe hazardous environment SECONDED by Selectman Barnes.

VOTE: 5-0-0

X. Closing Comments

XI. Adjournment

Selectman Bean MOTIONED to adjourn the Public Meeting at 8:15PM SECONDED by Selectman Bridle.

VOTE: 5-0-0

Chairman