

**BOARD OF SELECTMEN
WORK SESSION MINUTES**
August 10, 2015

PRESENT: SEAN P. MURPHY, CHAIRMAN, PRISCILLA R. LINDQUIST, SELECTMAN; CHAD BENNETT, SELECTMAN

Visitors: P. Williams (Tri Town News), Chief Beaudoin, J. Worthen, J. Forbes, Attorney D. Gorrow, D. Forbes and K. Emerson.

The Selectmen went into a work session at from the regular Selectmen's meeting of August 10, 2015 at 7:25 pm on a voice vote. Purpose of Work Session was to discuss new fences placed on Town Property or within the roads Right Of Way

Work session went from 7:25 pm until 8:50 pm.

Ordway Park

The work session began with the discussion of a fence placed on Town Property in Ordway Park by the Paz family along their property line. The Selectmen were told it was to help block light/sound that comes from the new Depot Development site.

Selectman Lindquist began with asking Mrs. Forbes if a permit was taken out for the fence whereas it was required due to the size. Mrs. Forbes replied that there was no permit and that she didn't realize that one was required and it was an oversight on her part.

Mrs. Forbes explained some of the history regarding Ordway Park and stated that for 19 years the Friends of Ordway Park have overseen many projects under the Phase II and Phase III improvements per the consent decree. She went on to explain that not only do the Paz's benefit from the new fence, the park itself benefits from it. She went on to explain the potential benefits such as:

1. Enhancing the reading area, known as Ellie's corner
2. A barrier to hide equipment behind
3. Sound barrier for people in that corner

She also stated that people donate things to the park that are for the betterment of the park such as work that was done or donated by the Garden Club, Suzanne Martin or Donna Renaud along with projects by various boy scouts and their Eagle Scout projects. Mrs. Forbes explained that it is important for the neighbors to work together and that the Paz family has put a lot of work into the park over the years. Mrs. Forbes pointed out that a permit was not required for other "structures" such as the kiosk, the flag pole or the lattice fence. She went on to state that it speaks to pattern of problems of things with the park, such as the paperwork she submits to the various offices that aren't able to be located when she later asks about it. Some of the issues that have come up are the Conservation purchase of the land abutting the park along the Sanborn property and the reference on a lot line change and the assessing records having no ability to pull up the Ordway Park. Mrs. Theriault responded that when Mrs. Forbes asked for records and she responded that she couldn't find them, it meant within the multiple files that are in the office, not that the files weren't in the office. Mrs. Forbes apologized for the miscommunication.

Mrs. Forbes reported that the Paz's sent a request to the FORPARK Committee regarding the fence and they approved it. She said that the Paz's agreed with all of the recommendations made

and made every effort to work with the committee. She submitted a copy of the letter and the response from the committee. She also presented the minutes from the meeting held in June 2015.

Chairman Murphy asked about the Friends of Ordway Park (FORPARK) and how they were established and if there was a mission statement. In the town report of 1996 it shows under appointed committees the Ordway Park Committee. Mrs. Forbes went over some of the old history explaining that when the decree was being finalized there was a need for help to meet the terms of phase II and phase III. The public was notified and paperwork went to the schools etc. asking for help and input on the park. She noted that there have been other town organizations that participated such as the Garden Club who adopted an area and maintained it. There was a bulb planting, March for Parks (1997) - which received a National Award, Paving stones and bench projects which all helped with funding some of the work. There have been donations of labor, equipment and materials over the years. When the consent decree was accepted the committee asked the Selectmen if they could continue on as a committee to continue to develop, maintain and improve the park. Mrs. Forbes also stated that there is still significant work to do.

There was discussion about where the authority fell regarding the park and Chairman Murphy said that it rests with the Board of Selectmen as the Trustees of the Park. He stated that the purpose of the committee was to administer the town's compliance with the consent decree. Mrs. Forbes disagreed and stated that the committee was formed to come up with a design to bring to the Attorney General's office to become part of the consent decree. She also stated that the Selectmen do not take the time to see work that needs to be done at the park or the work that is done by the committee.

Chairman Murphy stated that a fence is not allowed on town property without the Selectmen's approval. He went on to speak about the potential liability the fence creates whereas no one knows if it was built to withstand the winds etc. designed for its height and location. He went on to state that a bench donated to the park is different than a fence, and this one is a privacy fence and that the primary purpose was to block the light/sounds from Depot Development.

There was discussion regarding the liability issue and other "structures" in the park along with other "structures" in other areas of the town.

Selectman Bennett asked if they just needed to get the permit, or the Selectmen's approval.

Chairman Murphy responded that they need to get both. The permit is to show that it meets all the requirements and if not it will need to be brought into compliance. K. Emerson said that it needed a design done by an engineer because of the wind load requirement. There was a mention of the pavilion built at the Depot Road Playground and Mrs. Theriault stated that the structure was built by a town organization working with town officials (asked for permission to build) and then donated to the town. Once that happened, it became town property and was insured.

Chairman Murphy emphasized that anything built on that property should go to the Selectmen.

Mrs. Forbes stated that this hasn't been the case in the past. Chairman Murphy responded that it will be going forward. Mrs. Forbes stated that she hopes that the Selectmen act to benefit Ordway Park and to support it going forward.

Attorney Gorrow was present and it was stated that the Town of Hampstead is the owner of Ordway Park and the Board of Selectmen are the Trustees and the endowment is held by the Trustees of the Trust Fund. Mrs. Forbes asked Attorney Gorrow about the Martha Ordway Charitable Trust which includes Ordway Park Endowment Fund. Attorney Gorrow said that it is the Town's obligation to look after the land and abide by the consent decree and that the Selectmen are the Trustees. Attorney Gorrow went on to explain that per the consent decree, the Paz family had limited use which is the septic system and well only and that they had no authority

to do anything else. She also explained that there needs to be a clear benefit to the park. Mrs. Forbes stated that she had some concerns, but did feel that the fence is a huge benefit to the park and that the committee thought of a sound fence for the park to help reduce noise that is increased since the development across the street. She went on to explain that the Paz family knew they were discussing a sound barrier.

Chairman Murphy stated that the Selectmen need to determine as a board before any further money is put into engineering costs whether or not it is considered a benefit to the park and if it is, then determine the engineering process to get the permit. The Selectmen will consider the information received at this meeting and come back at the next meeting with a determination.

Mrs. Forbes asked if it would have made a difference if the fence was less than 6 feet. Chairman Murphy said the only difference would be the permit, but the Selectmen would still need to approve it. Mrs. Forbes mentioned that there was an issue with a structure definition and the planning board. Mr. Emerson said that the building code requires it over 6 feet, not zoning. Mrs. Forbes went on to state that fences are not structures and that if it was a bench it wouldn't be an issue. Chairman Murphy responded that a bench would have a clear benefit to the park. He said that he understands that the Paz family does a lot of work for the park but those are benefits to the park. Mrs. Forbes encouraged the Selectmen to sit on Ellie's bench by the yellow birch. She added further that the fence provides security for the equipment that is on the property and that the fence is a deterrent.

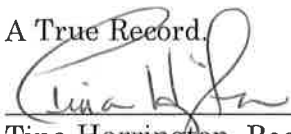
Croy Path/Estees Road

There was a complaint filed by a resident that a fence was built too close to the road on Croy Path and onto Estees Road. The fence was said to cut down on the ability to take a turn onto Estees Road. Mr. Worthen has not spoken with the homeowner where the fence is located, but did send a letter stating the fence was too close to the road and asked him to move it. It has since been determined that the fence is actually in the town's right of way on Croy Path. The Fire Department submitted a letter explaining that the fence encroached on the Estees Road and created issues for them to respond to emergency calls and that they would now need to respond via a different way. The Selectmen discussed asking the resident to remove it out of the town's right of way and give them so much notice. Attorney Gorrow said that they must be given at least 10 days notice to remove it. Mr. Emerson stated that any fence company would be very site specific as to where a fence needs to be placed and would mark out the area. Mr. Worthen said that he heard the homeowner was away when the fence was installed and has asked that it be placed in the correct area, but was waiting for the company to come back. Mr. Worthen also said that he would be okay with having the fence move back 8 feet. Chairman Murphy said that they shouldn't be adjusting the rules, and if the fence is in the right of way, it needs to be moved. And if there are others in the right of way, they will need to be moved as well. Limiting the access of emergency vehicles needs to be remedied.

A letter will be drafted and reviewed by Town Counsel and sent to Mr. Keating and he will be given 30 days to correct the situation or the town will move it at the owners' expense.

There was some discussion about the right of way and if it has changed over the years. Mr. Worthen said that if it is a town built road and it is was put in the right place, then it would be 50 feet which gives about 12 feet either way.

A True Record.



Tina Harrington, Recording Secretary