

## BOARD OF SELECTMEN MEETING

### Minutes of February 9, 2004

**ROLL CALL:** Chairman Galen Stearns called the meeting to order at 6:48 PM at the Planning and Development Department. Those present included Selectmen Alan Carpenter, Roger Hohenberger, Chris Doyle, and Bruce Breton. Mr. Sullivan was also present.

**ANNOUNCEMENTS:** None.

**LIAISON REPORTS:** Mr. Breton announced that the Recreation Committee is actively working on their revised Policies & Procedures, and expects to present them to the Board of Selectmen on February 23.

**CORRESPONDENCE:** None.

**MINUTES:** Motion by Mr. Doyle and second by Mr. Breton to accept the minutes of January 26, 2004 as written. Passed unanimously.

**NON-PUBLIC SESSION:** Mr. Doyle moved and Mr. Hohenberger seconded to go into Non-public session in accordance with RSA 91-A:3,IIa. Roll call vote: all members "yes". The subject of discussion was personnel. The Board, Mr. Sullivan and Planning Director Al Turner were present. A motion to accept the recommendation of the Planning Director and Town Administrator to hire a candidate for the position of Building Inspector was made by Mr. Carpenter and seconded by Mr. Stearns. After further discussion, the motion and second were withdrawn and the matter continued to a later date.

Mr. Stearns reconvened the Public Session at 7:25 PM and, due to a typographical error in the Board of Health Public Hearing notice, the Board adjourned to the Town Hall. The Board of Health was convened at the Town Hall and recessed to the Planning and Development Department where it was re-convened at 7:40 PM subsequent to the following:

**INTRODUCTION:** Mary Lee Underhill, Chairman of the Nesmith Library Trustees, introduced new Library Director, Carl Heidenblad to the members and the public. Ms. Underhill indicated that Mr. Heidenblad, who was Director of the Nesmith Library from 1984 to 1994, is returning to us from his most recent position as Director in Adam's County, PA. Mr. Heidenblad was welcomed by the Board, and Ms. Underhill extended an invitation to all to attend a reception at the Nesmith Library from 6:00 to 9:00 PM on February 10, 2004.

**PUBLIC HEARING – BOARD OF HEALTH:** Mr. Peter Zohdi, representing Edward N. Herbert & Assoc., presented a site plan for a 58-unit development to be located on 30.92 acres on Mammoth Road, primarily in the Residential C district. Based on its location, the Board of Health must approve the septic portion of the plan before it can proceed.

Mr. Zohdi provided the Board with plans of the site, depicting the layout of the buildings and their respective septic systems. Each of the 58 units will be two bedrooms only, and Mr. Zohdi went on to explain the State required calculations for water use in this situation. Mr. Zohdi advised the Board that the anticipated usage based on similar properties is well under the State requirements of 300 gals/unit/day. In addition, Mr. Zohdi advised the Board that the plan, as proposed, complies with all gradient requirements.

Mr. Hohenberger requested a clarification of the method of water usage calculation, and inquired of Mr. Turner if the staff were satisfied with Mr. Zohdi's results. Mr. Turner indicated that the staff, who have reviewed the site plan with Mr. Zohdi, are satisfied with the calculations of water usage and with the plan's compliance with the septic regulations.

Mr. Carpenter expressed concerns that residents may, in the future, convert their respective units to three bedrooms, and the effects this may have on the water usage. Mr. Turner explained that, in order to perform such a conversion, permits must be acquired and as part of the permit process the septic system would likely need re-designing to accommodate the additional bedroom. Mr. Zohdi advised the Board that covenants are planned for the development, which would expressly prohibit additional bedrooms within the units.

Lisa Linowes, resident, expressed concerns with the density of the property and its proximity to Beaver Brook. Mrs. Linowes felt that 58 units would be appropriate only if the soil in that area were ideal, without ledge or other issues. She suggested that the Board consult with the Department of Environmental Services prior to making a decision on the plan. Mr. Turner indicated that the parcel in question has no ledge and that the soil quality was excellent.

Mr. Carpenter clarified the role of the Board, which is to approve the septic design only, as the site plan will then continue on to the Planning Board and the State for final approval.

Several residents of Whispering Winds expressed concerns regarding safety/health issues including: proximity of the septic systems to two wells earmarked for future use on the Whispering Winds site; potential drainage and run-off problems from the proposed development; existing drainage problems between the two properties; and potential blasting complications. The residents in question were: Roy Dennehey, President of Whispering Winds Association, Carol Coughlin, resident, Mary Dennehey, resident; and Dan Emerson, resident.

Mr. Hohenberger requested further explanation of the drainage issues, and Mr. Turner indicated that measures had already been taken to address the pre-existing problem via installation of a French drain. He explained that the Whispering Wind units affected sit low relative to the outcropping in question, and that the runoff was likely groundwater. Also, some additional drainage has been installed and a trench dug between the properties to re-direct any water to a retention pond constructed by the developer.

Mr. Hohenberger sought explanation from Mr. Turner regarding the course of action in the case of a failure or imminent failure of a septic system in the development. Mr. Turner indicated that the problem would be addressed by the Health Department immediately upon notification.

Mr. Breton inquired of Mr. Turner what the staff's recommendation was regarding the proposed placement of the septic systems. Mr. Turner indicated that they were all well within standards and that, although it hadn't been considered yet, their location could be revised. Mr. Turner reminded that Board that the plan has not been presented to the Planning Board as yet, and stated that the proposed layout is designed for "gravity" systems, which are preferred. The plan is scheduled to go before the Planning Board on February 18.

Mr. Carpenter inquired as to whether a bond would be requested of Herbert Associates to be used in the event of future problems with the septic systems. Mr. Turner indicated that such a requirement had not been discussed with Mr. Zohdi.

Mr. Carpenter moved and Mr. Doyle seconded to accept the septic plans as submitted, unless amended by Town staff, contingent upon approval by the Department of Environmental Services. Passed unanimously.

In closing, Mr. Hohenberger requested that relocation of the systems be considered, if possible, when final reviews are conducted.

**PINE HILL ROAD RECLASSIFICATION:** Mr. Sullivan explained that Pine Hill Road was currently a Class VI road, discontinued subject to gates and bars, and that a request had been received to reclassify it as a Class V road. Mr. Sullivan indicated that RSA 231:23 requires that the Board move the reclassification to the public hearing process. The Board must also conduct a site walk and notify all abutters prior to the hearing, and all costs incurred will be the responsibility of the applicant.

Mr. Zohdi presented a map of the area, and Mr. Hohenberger inquired if this was to be the connector between Wall Street and North Lowell Road. Mr. Zohdi explained that a preliminary design of the future continuation of Wall Street had been done, and that if Pine Hill were opened completely it could serve as a connector to North Lowell Road.

Motion by Mr. Carpenter to move the reclassification to public hearing. Mr. Breton requested that the motion be tabled to allow input from the public. Mr. Carpenter so agreed.

Mr. Bruce Anderson, Conservation Commission, expressed several concerns regarding the project. He indicated the project is proposed to be 3300' overall, 22' wide, with a 12% grade at points, and that it crosses some sensitive areas. He went on to say that the Conservation Commission will oppose the upgrade as proposed based on five points: because of the sensitive areas no salt could be used; 22' is not wide enough given it would likely be used a throughway; there are several historic stone walls and an historic stone culvert in the area; its impact on area wildlife; and the Commission's belief that extending Sheffield Street is a better solution than reclassification of Pine Hill Road. Area resident Fred Linnemann spoke on the beauty of the area and the stone walls.

Mr. Breton asked if the Conservation Commission felt that further studies of the area are needed. Lisa Linowes, Commission member, indicated that the Commission would prefer that Mark West, an engineer who has been retained by the Commission specifically for this project, review the actual impacts for presentation at the Public Hearing.

Mr. Carpenter again moved and Mr. Hohenberger seconded to move the reclassification of Pine Hill Road to public hearing. Passed unanimously.

Mr. Stearns moved and Mr. Carpenter seconded to adjourn the Board of Health portion of the meeting. Passed unanimously.

Chairman Stearns called for a five minutes recess.

**SEARLES FEES** – Mr. Sullivan outlined the proposed increases in the Searles rental fees:

Existing Fees:

Resident	\$150/rm (3 hr min)
Non-resident	\$300/rm (3 hr min)

Proposed Fees:

Resident	\$200/rm (3 hr min)
Non-resident	\$400/rm (3 hr min)

Mr. Sullivan went on to explain that, in 2003, the income generated by rental of the building was \$20,551. Had the new fees been in effect, that figure would have been increased by \$6,782. He further explained that the proposed fees are more in keeping with area facility fees, and that the Searles fees have not been increased in approximately 7 years. If approved, the new fees would be applied to new functions booked after June 1, 2004.

Mr. Fred Linnemann, Historic Committee, reiterated Mr. Sullivan’s explanation, and added that they are currently booking two years or so in advance. Mr. Linnemann also reminded all that the income in question goes back into the Searles Revenue fund and is used for building expenses.

Mr. Breton moved and Mr. Doyle seconded to approve the new rates as posted. Passed unanimously.

Mr. Breton moved and Mr. Hohenberger seconded to amend the motion to make the fees effective immediately for new bookings after June 1, 2004. Passed unanimously.

**BEACH BIDS** – Recreation Committee Chairman Sam Maranto updated the Board on the Committee’s bid solicitation for beautification improvements to the Town Beach. He advised the Board that the Committee had received no adequate responses to their first request, and had revised the scope of work and re-solicited for proposals. The revised scope of work included general cleanup; landscaping and planting; construction of a concrete pad for the portables; and new beach sand, which was approved by the Conservation Commission and deemed to be a minimum impact project under Dredge and Fill requirements. Mr. Sullivan stated that there are some Stormwater issues as a result of the recent NH DOT project on Cobbetts Pond Road, which must be addressed prior to start of the beach project, and Mr. Maranto indicated work would start as soon as possible after these issues are resolved. He presented the following bids for review:

K.M. Earle Land & Lawn Care	\$16,375
Brandin Landscaping	11, 620
Linehand Landscaping	20,560

Mr. Maranto indicated that, due to a conflict of interest, the Committee had disqualified the low bidder, Brandin Landscaping, and recommended that the Board award the bid to K.M. Earle.

Mr. Doyle moved and Mr. Breton seconded to award the bid to K.M. Earle Land & Lawn Care for \$16,375 for the project entitled “beautification improvements to the Town Beach”. Mr. Hohenberger sought clarification on the conflict of interest with Brandin Landscaping. Mr. Maranto stated that the concrete sub-contractor utilized by Mr. Brandin was the spouse of a

Recreation Committee member, and the Committee therefore felt it would be a conflict to award the bid to Brandin Landscaping. Passed unanimously.

**HIGHWAY SAFETY** – Mr. Sullivan, Chairman, presented the following recommendations from the Highway Safety Committee:

*Mockingbird Hill Rd:* Request to lower speed limit from 30 MPH to 25 MPH. Committee recommends maintaining present speed limit and installation of two additional 30 MPH signs. Motion by Mr. Doyle and second by Mr. Hohenberger to accept the recommendation of the Highway Safety Committee. Passed unanimously.

*Londonderry Road:* Request to lower speed limit to 25 MP west of Fern Street. Committee recommends maintaining present speed limit and installation of two additional 30 MPH signs. Motion by Mr. Doyle and second by Mr. Hohenberger to accept the recommendation of the Highway Safety Committee. Passed unanimously.

*Londonderry Road:* Request to install a street light in the area of #80. Committee recommends no action on this matter, as it may have an adverse effect by increasing speed in the area. Motion by Mr. Hohenberger and second by Mr. Doyle to accept the recommendation of the Highway Safety Committee. Passed unanimously.

*Range Road:* Request to install a “School Bus Stop Ahead” sign in the westerly direction, just after the Cemetery on the Hill. Committee supports this request, and recommends referral to the State of NH for consideration as Range Road is state-owned. Motion by Mr. Doyle and second by Mr. Hohenberger to accept the recommendation of the Highway Safety Committee. Passed unanimously.

Mr. Hohenberger requested that Mr. Sullivan, in contacting the State, also reiterate the previous request for similar signage easterly on 111, which was approved several months ago.

Mr. Breton requested that Mr. Sullivan carbon copy the Town’s State Senator with this and all such future requests.

**VEHICLE MAINTENANCE POLICY:** Mr. Doyle moved to postpone discussion of revisions to the Vehicle Maintenance Policy. Mr. Sullivan asked that the Board not do so, in deference to Chief Moeckel who had been waiting during the previous discussions. Motion failed for lack of a second.

Chief Moeckel explained that the Department Heads had reviewed the existing policies and were proposing some revisions due to operating differences across the various departments. Included in the revisions were updates to various forms, inventory update, and changes to verbage to make the document more workable overall for the Departments involved.

Motion by Mr. Doyle and second by Mr. Hohenberger to accept the revisions to the Vehicle Maintenance Policy as proposed. Passed unanimously.

**OLD/NEW BUSINESS:** Mr. Sullivan advised the Board that Nault’s Honda had submitted its annual request for permission to operate as a Boat Agent. Motion by Mr. Doyle and second by Mr. Breton to have Mr. Sullivan forward a letter of permission. Passed unanimously.

Mr. Sullivan inquired whether the Board, based on the Deliberative Session on February 9, wished to revise any of their recommendations as shown on the preliminary Town Warrant.

*Article 33:* After discussion, the Board requested that Mr. Sullivan check with Town Counsel whether the Board's recommendation could be removed entirely. If so, the recommendation will be removed, otherwise it is to remain the same.

*Article 36:* Motion by Mr. Doyle and second by Mr. Breton to reconsider the Board's previous recommendation. Passed, 4-1 with Mr. Carpenter opposed. After discussion regarding fair market value of the parcel in question, Mr. Doyle moved and Mr. Breton seconded to recommend Article 36. Passed 3-2, with Mr. Hohenberger and Mr. Carpenter opposed.

*Article 35:* Motion by Mr. Hohenberger and second by Mr. Stearns to reconsider the Board's previous recommendation of Article 35. Passed 4-1 with Mr. Doyle opposed. Mr. Waterhouse, petitioner, advised the Board that several more Pennichuk customers have recently approached him to express their support of the Regional Water District, and reminded the Board that without approval of this article the Town will be without voice in any future issues.

Mr. Hohenberger expressed several concerns, including impacts to rate payers and the equity of future costs between communities.

Mr. Breton inquired of Mr. Waterhouse if the \$10,000 appropriation could be off-set by imposing a betterment fee on the rate payers. Mr. Waterhouse replied that would not be possible..

Mr. Tom Case, resident, indicated that this appropriation had the appearance of an "application fee". Mr. Waterhouse replied it is not a fee but a contribution toward the legal fees necessary to form a charter for the Regional Water District. Without the charter, the District cannot be formed. He also reminded the Board that most of the other communities involved had appropriated the same amount over two years with Articles requesting \$5,000.

Mr. Doyle moved and Mr. Hohenberger seconded to not recommend Article 35. Passed 3-2, with Mr. Stearns and Mr. Carpenter opposed.

Mr. Breton requested that Mr. Sullivan extend an invitation to the CEO of Pennichuk to attend a future meeting. Mr. Sullivan will proceed accordingly.

Next regular meeting of the Board will be held on March 1, 2004, followed by a workshop on roads on March 8, 2004.

Motion by Mr. Doyle and second by Mr. Stearns to adjourn. Passed unanimously.

Meeting was adjourned at 10:30 PM.

Respectfully submitted,  
Wendi Devlin, Administrative Assistant