

BOARD OF SELECTMEN MEETING
Minutes of April 19, 2004

ROLL CALL: Chairman Alan Carpenter called the meeting to order at 7:05 PM. Those present included Selectmen Roger Hohenberger and Galen Stearns. Mr. Sullivan was also present, as was Town Counsel Bernie Campbell. Selectmen Bruce Breton and Chris Doyle were delayed, arriving at 7:10 and 7:25 respectively.

LIAISON REPORTS: Mr. Breton deferred to Planning Board Chairman Eileen Maloney for her liaison report. Ms. Maloney announced that the Planning Board had met the previous Wednesday with representatives of Taintor Associates regarding the Master Plan. Three future meeting dates have been set, including the kickoff meeting scheduled for May 12 at 7:30 PM at the Town Hall, where the Master Plan will be discussed in greater detail and the various groups determined.

Mr. Carpenter inquired as to whether individuals interested in volunteering should attend the kick-off meeting. Ms. Maloney indicated they should, and that interested parties should look for future notices regarding the Master Plan in the local newspapers.

ANNOUNCEMENTS: Fire Chief Don Messier and Deputy Chief Tom McPherson introduced our new Fire Inspector, Diana Nault, who most recently worked for the Town of Derry. Mrs. Nault's husband was also present. Deputy McPherson passed the Fire Inspector badge to Mr. Nault for official presentation to Diana. The Board of Selectmen and attendees welcomed Inspector Nault to the Department.

Mr. Sullivan announced that once again, in honor of National Volunteer Week, certificates had been prepared for those who volunteer their time to the Town. The following names were publicly read in recognition of their service:

Alan Shoemaker	Chris Cotton	Georges Roy
Alfred Souma	Chris Curran	Grace Marad
Amy Regan	Christopher	Greg Cappiello
Andrea Cauldwell	Monterio	Holly Eddy
Andrew Lewis	Danielle Peltz	J. Gross
Annette Stoller	Daphne Chien	Jack Gattinella
Anthony Pelligrini	Dave Unger	Jack Merchant
Barbara Coish	David Brown	Jack Robichaud
Barry Ashar	Denise Ryan	Jacque Borcoche
Belinda Sinclair	Dennis Root	Janet Samsel
Bernie Roulliard	Dennis Senibaldi	Jean Manthorne
Bill McNally	Devin Breen	Jeanne Rouleau
Bill Wallace	Dick Forde	Jill Moe
Bob Leonard	Dick Pelletier	Joan Griffin
Brenda Dunkley	Earl Bartlett	Joann Raitt
Brenda Seniow	Eileen Maloney	Joanne Ouellette
Brian Shank	Eldon Haegle	John Alosso
Bruce Anderson	Elizabeth Dunn	Joyce Schmidt
Carl Anderson	Ethel Neusch	Joyce Wilt
Carl Luhrmann	Fred Linnemann	Joyce Wong
Carol Fronduto	Gail Webster	Julia Salafia
Carol Pynn	George Denneen	Julie Babatis
Carolyn Webber	George Dinsmore	Julie Morgan

Kara DiFruscia	Miriam Stewart	Shirley Beaulieu
Kathy Narkewich	Miriam Stoltz	Shirley Pivovar
Kathy Schader	Murray Levin	Steven Pliskin
Kim Monterio	Nancy Burnett	Susan Azibert
Kris Putnam	Nancy LaBranche	Susan Leonard
Kristi Yuszkus	Nancy Prendergast	Suzanne Jortberg
Larry Fogelman	Nathale Chandra	Theresa Lucas
Larry Kaufman	Pam Skinner	Thomas Furlong
Leo Hart	Patricia Skinner	Thomas Seniow
Lillian Callahan	Patrick Schena	Todd Walley
Lisa Linowes	Peter Griffin	Tom Case
Lisa O'Neill	Philip LoChiatto	Valorie Hayes
Lois Scheffler	Raymond Ki	Veronica Hewitt
Loreen Coleman	Richard Pennisi	Vicky Mason
Lorraine Bain	Rick Adams	Wally Heath
Lucy Paradis	Robert Crook	Walter Kolodziej
Margaret Case	Robert Gustafson	Wanda Koch
Margo Luhrman	Ross McLeod	Wayne Bailey
Marion Dinsmore	Roy Dennehy	Wayne Morris
Mary Griffin	Ruth Bellizzie	Wendy Denneen
Mary Johnson	Sally D'Angelo	Willie Day
Mary Lee Underhill	Sam Maranto	
Mimi Kolodziej	Sharon Scannell	

Mr. Sullivan then presented the following certificates to volunteer representatives in attendance: Carol Fronduto; Larry Fogelman; Lisa Linowes; Shirley Pivovar; and Ross McLeod. The remainder of the certificates of appreciation will be passed to the various chairmen or similar for distribution.

PUBLIC HEARING – PINE HILL ROAD: The notice of public hearing was read into the record by Mr. Sullivan, who indicated that in addition to posting as required, all abutters had been notified. Mr. Carpenter advised the public that, as posted, the required site walk had been conducted at 5:30 PM that evening.

Planning Director Al Turner briefly reviewed the requirements for re-classification and the purpose of the public hearing, which is to ascertain if there is a need to open the road. He went on to say that, in looking at the Sheffield Road development, the Planning Board had discussed Pine Hill Road as an alternative route to alleviate traffic on Sheffield, Camelot and, possibly, North Lowell roads.

Mr. Hohenberger inquired as to the status of the connector study which the Department of Transportation had recommended the Town refer to the Rockingham Planning Commission. Mr. Turner indicated that he had been notified by the RPC that the study has been re-activated and Requests for Proposals will soon be sent out.

Mr. Doyle questioned what the distance was from the end of Wall Street to the area where it would intersect with Pine Hill Road. Mr. Turner indicated it was approximately 2000 +/- . When asked what the cost to maintain Pine Hill Road would be to the Town, Highway Agent Jack McCartney responded an average \$8,000 +/- per year.

A lengthy discussion ensued regarding the proposed construction standards of 22' and other possible options for access to the subdivision such as tying into Jackman Ridge Road or opening just that portion off of the end of Sheffield Street. Mr. Stearns inquired of Town Counsel what the jurisdiction of the Board of Selectmen was relative to the construction standards. Mr. Campbell advised the members that the Selectmen have authority over Class VI roadways, and if it were upgraded to a Class V the Board should be able to set the standard.

Discussion continued, particularly about the issue of a 12% grade through a portion of the proposed layout. Fire Chief Don Messier approached the Board to express concerns with emergency equipment negotiating a grade of that magnitude.

Mr. Peter Zohdi, as representative for the developer, was asked what the impacts would be if the roadway came in from the temporary cul-de-sac on Sheffield and went through to connect with Jackman Ridge Road. Mr. Zohdi indicated that about ¼ of an acre of wetlands would be impacted and only about 500' +/- of Pine Hill Road would actually need re-classification. Mr. Turner stated that he believed this option to be the best from an environmental and public safety perspective.

Chairman Bruce Anderson and member Lisa Linowes of the Conservation Commission addressed the Board with their objections to the reclassification of the entire 3,300' length, 12% grade and resultant heavy salt requirements in the winter, and the overall impacts to the area. Ms. Linowes also presented a petition she had received with 130 +/- signatures in opposition to the cut-through, and gave a brief presentation regarding the types of wetland impacts this project would entail.

Several area residents spoke in opposition, as well: Clayton Brandon, Jessica Plouf, Irene Hauzer, and Gail Grella expressed concerns ranging from safety issues and speed hazards to potential impacts to wells on the North Lowell Road end. As well, an additional petition in opposition was presented to the Board by Ms. Plouf. Mr. Carpenter thanked the public for expressing what he felt were valid concerns which should be discussed later as part of the design review. There being no further public input, Mr. Carpenter then closed the public portion of the hearing.

The Board asked Town Counsel opinion on whether they could impose restrictions upon the re-classification. Atty. Campbell indicated that the Selectmen could require that all costs be paid by the developer, that the applicant connect the roadway to Jackman Ridge, and establish the overall nature of the improvement.

Mr. Carpenter read the submitted petitions into the record, then reopened the public portion to allow further input.

Mr. Dennis Senibaldi voiced his concern that the Board not move to approve the re-classification of the entire length of Pine Hill in the hopes that the State would construct a connector road sometime in the future, as there were no guarantees that would occur.

Mr. Carpenter re-closed the public portion of the hearing. Mr. Hohenberger moved and Mr. Stearns seconded to allow the opening work to be done on Pine Hill Road for a length of 450 – 500' as proposed by Mr. Zohdi, the full cost of which to be borne by the developer. The road is to be constructed to

Town subdivision standards of 28' and be connected through to Jackman Ridge Road.

Mr. Zohdi offered to provide the members the specific stations on Pine Hill Road. Mr. Hohenberger amended his motion allowing the work to be completed either from station 2500 to 2950, or 2500 to 3050. Passed unanimously.

Mr. Carpenter called for a five minute recess.

EQUIPMENT SWAP: Highway Agent Jack McCartney requested that the Board of Selectmen approve the trade of the Town's 1985 bulldozer, which is used only rarely since the landfill closure, for attachments to the Town's loader. He explained that he had spoken to Winmill Equipment, who will credit the Town \$12,500 towards equipment for the loader.

Mr. Stearns moved and Mr. Hohenberger seconded to allow Mr. McCartney to proceed with the trade of the 1985 bulldozer for equipment for the Town's loader totaling \$12,500.

Mr. Hohenberger moved and Mr. Stearns seconded to recess to the Board of Health public hearing. Passed unanimously.

BOARD OF HEALTH – FISH ROAD: Mr. Turner reminded those present that on November 17, 2003 the Board of Health had held a hearing regarding waiver of the septic set-back requirements to allow installation of a system within 57' feet of a well on Fish Road, which was denied by the Board. On March 8, 2004 the Board of Health granted the resident's request for a re-hearing, and had presented new information which Town Counsel had reviewed. Attorney Mary Notaris, representing Mr. and Mrs. Keenan, Mr. Harold Davis, Clean System designer, and Mr. Mike Seever, Engineer, were in attendance on behalf of the Keenans, who were also present.

Atty. Notaris explained that the Keenans wish to convert their seasonal residence to year-round status, which necessitated replacement of the septic system. The Keenans plan on installing a Clean System septic, and have successfully received a waiver of the State setback requirements. She went on to note that she had researched other such requests to the Board of Health which were granted, and found several comparable situations, which she cited for the record. She also indicated that Mr. Keenan had executed a document accepting responsibility for any water issues which may result from installation of a new system, and has agreed to annual water quality testing.

Mr. Harold Davis, Waste Water Alternatives, explained in detail the workings of a Clean System, and its differences from a standard system. He went on to state that he has, to date, installed over 165 systems and has never experienced a failure. As maintenance of the systems in question was discussed at the previous hearing, Mr. Davis clarified that a Clean System requires no more maintenance than a standard system, and that he requires each of his purchasers to sign a maintenance agreement with his company.

Mr. Stearns inquired whether or not alarms were installed on the systems, which would sound in the event of a failure. Mr. Davis replied that he does not install alarms, however the compressors are strategically placed in areas where they can easily be monitored to ensure they are running properly by the property owners.

Mr. Mike Seever, MJS Engineering, explained that he had engineered the proposed septic system on behalf of the Keenans, and reiterated that the plan had been approved by the State. Mr. Carpenter questioned the slope and soil on the Keenan's property. Mr. Seever stated that the property comprised C-Series soil with 8-15% slopes, and when conducting test pits the seasonal high water table was 12" and the groundwater 30". When asked, Mr. Turner indicated that the property had grainy, very fine soil, which was suitable for a septic system, versus clay or ledge.

After further discussion with Mr. Seever and Mrs. Keenan regarding measurements obtained by the Keenans and surrounding wells, several area residents approached the Board to voice concerns with the Keenan's request. The following abutters spoke in opposition: Cathy Rondeau, Pauline Fiorello, Kevin Malone, John Bonfilio, Kevin McKenna, and Tim Clough. Among the concerns raised by the speakers were: lack of notification to the abutters, water quality/safety, run-off from the Keenan's property, proper maintenance of the system by future owners, conversion of seasonal properties to year-round, and exceptions to established rules and regulations.

Mr. Breton inquired of Mr. Seever what was presently in place on the property. Mr. Seever indicated that a small tank and leech field were currently in place, and that the last time he was at the property there was no evidence of failure. Mr. Keenan presented the results of a water test on the well, which showed that the water quality was satisfactory.

Atty. Notaris presented her closing statements to the Board, wherein she noted that, if the Board wished, the Keenan's would incorporate language into their property deed regarding maintenance of the septic system in the future should they sell the property. Also, they would be willing to re-measure distances to all surrounding wells.

After further discussion, the Board felt that more information regarding measurements from the edge rather than center of the leach field and the amount of abutting property within the 100' radius was needed, and that the decision should have the benefit of the full Board of Health, which it could not as Mr. Doyle had temporarily left the meeting due to illness. Mr. Breton moved and Mr. Stearns seconded to continue the public hearing until May 17, 2004. Passed 3-2, with Mr. Carpenter and Mr. Hohenberger opposed. The continuation will be scheduled for 7:15 PM on May 17, 2004. The Board of Health portion of the meeting was then closed.

GRIFFIN PARK UPDATE: Charlie McMahon updated the members on the progress of Hillside Landscaping on the drainage issues at Griffin Park.

He explained that Hillside felt that the drainage swale would need to be deepened, and was currently working on a proposed solution for future presentation to the Board. He also stated that Hillside may, in the area by the transformer, install a culvert with a collection pipe running under the walkway and along side the multi-purpose building to the catch basin in that area.

Mr. Turner did not feel that the proposed solution was appropriate or necessary, believing that the swale should be deepened up to the entrance of the walkway, near the Taylor monument. Mr. Carpenter stated that, at some point, a full drainage study of Griffin Park should be conducted to determine long-range requirements.

Mr. McMahon also reported that the building is very near completion and, on a separate note, advised the Board that the proposed soccer field located in the area of the Park and Ride was well-received, and that the State is awaiting input from the Board.

MINUTES: Postponed until next regular meeting.

CORRESPONDENCE: Postponed until next regular meeting.

OLD BUSINESS: Attorney Campbell approached the Board to give his opinion on the recent work on Hopkins Road. He explained the standard of approval for work on a Class VI road, which is generally under the Selectmen's authority. However, according to the Town's Right-of-Way Ordinance, delegation of that authority was applicable in this case, and that the designee was the Code Enforcement Officer. He stated that, after review, he had concluded that authorized work on Class VI road was the same as any Class V road (i.e. trenching, utilities, etc.), and that the Code Enforcement Officer would have the authority to allow work on a Class VI roadway. He then went on to suggest that the Board amend the Town ordinance to specify what work would require the Board's involvement, and that the Board verify that the work that was recently done, to which a stop work order had been applied, was within the authorization granted. He further advised that if the work in question was within the authority granted, the Board lift the stop work order.

Mr. Doyle inquired of Atty. Campbell whether the Board's decision in August to not lay out Hopkins Road as a Class V road had any bearing on the authority granted by the Right-of-Way Ordinance. Attorney Campbell stated that, regardless of the Board's denial, the road is still a class VI road and falls under the auspices of the Ordinance.

Mr. Breton indicated that he felt, pursuant to a specific section of the Right-of-Way ordinance a plan should have been presented specifying the work that was to be done. Atty. Campbell agreed that submittal of a such a plan is good practice. Mr. Turner then presented to the Board a copy of the plan, dated June 18, 2003, which was approved by the Planning Board and showed proposed work on Hopkins Road.

After further discussion, Mr. Carpenter requested that workshop be scheduled for May 17 with the Planning Board to discuss where the breakdown occurred between the Planning Board and staff. Mr. Sullivan will contact the Planning Board.

Mr. Turner then advised the Board that a road construction application was submitted, and Mr. Breton inquired of Atty. Campbell whether the work could be stopped. Atty. Campbell replied that, so long as the work was consistent with the plan, he believed it should proceed.

Mr. Stearns expressed concerns that the situation be rectified, and Mr. Breton felt that Mr. Turner should have been aware of the Board's position given the August 18 vote.

Mr. Bob Coole, resident, inquired how much income had been generated from the trees cleared. Mr. Carpenter felt this would be discussed at the upcoming workshop session.

Mr. Dennis Senibaldi, resident, expressed several concerns about this issue, including his belief that the easement was not necessary and that it hadn't been presented at the August 18 public hearing. He then read a lengthy statement summarizing the disappointment of the residents in the area, and requesting actions be taken to continue the stop work order and to undertake efforts to improve the area, such as plantings.

Mr. Alan Lemay, resident, spoke of his agreement with Mr. Senibaldi's statements. He also recalled calling Mr. Turner to advise him that the trees had been marked for removal.

The Board will meet with the Planning Board on May 17th to continue this discussion.

Mr. Sullivan advised the Board that he had been contacted by residents of Woodbury Road regarding its condition. He indicated that, as an abutter the Town was responsible to contribute toward the maintenance of the road, and suggested that funds toward its repair be taken from Conservation monies. The Board agreed to contribute as an abutter and Mr. Sullivan will return to the Board at a later date with further information.

Mr. Sullivan announced that the Bike Path Committee would be holding a meeting on May 4, 2004 at 7:00 PM at the Planning and Development Department, and that an invitation to attend had been extended to the Board members.

Outlook Road: Mr. Sullivan advised the Board that he had received no concerns from the 9-1-1 coordinator or the Historic District Commission regarding the naming of a new road "Outlook Road". Mr. Doyle moved and Mr. Breton seconded to authorize the developer to utilize the name "Outlook Road". Passed unanimously.

NEW BUSINESS: None.

Mr. Doyle moved and Mr. Breton seconded to enter into a non-public session in accordance with RSA 93-A:3 a,d. Roll call vote: all members "yes". The topics of discussion were personnel and land acquisition. The Board and Mr. Sullivan were attendance for both sessions.

NON-PUBLIC SESSION:

Mr. Doyle moved and Mr. Hohenberger seconded to remove a full-time firefighter from probationary status. Passed unanimously.

The Board discussed Mr. Sullivan working with representatives of the Soccer Association to negotiate the potential use of State property adjacent to the Rte 111 Park and Ride for a soccer field. Mr. Doyle moved and Mr. Breton to authorize Mr. Sullivan, Mr. Breton, Mr. McMahon, Mr. McLeod, and Mr. Larochelle to negotiate the potential use of State land. Passed unanimously.

Respectfully submitted,

Wendi Devlin
Administrative Assistant

Note: These minutes are in draft form and have not been submitted to the Board for approval.