

Selectmen's Meeting Minutes

Tuesday, May 13, 2008

Present: Selectmen Ives, Bowles, and Maxfield.

Also present: Police Chief, Code Enforcement/Compliance Officer Bob Fiske, Planning Board member Stanley Prescott, Road Agent David Rice, ZBA members Ned Lizotte and Roy Merrill.

Chairman Ives called the meeting to order at 6:30 PM.

- I. Selectman Bowles moved to approve the Selectmen's Meeting Minutes of Tuesday, May 6, 2008 as presented. Seconded by Selectmen Maxfield. All in favor. Motion carried.
- II. Chairman Ives opened the Board of Permit.
 - a. Bob Fiske brought up an issue on Thistle Hill Road relative to the request for permanent electrical inspection. He asked the Board if he needed to wait or could he go and do the inspection. Selectman Bowles said the biggest issue was the last pole at the end of the cul-de-sac and asked if Mr. Fiske had gone out to see if the issue had been addressed. Mr. Fiske said he was not sure if the guy wire had been changed or not. Selectman Bowles said there were a few other poles that were in question and asked if they had been addressed as well. Mr. Fiske said that Mr. Thistle has given Public Service an easement outside of the right-of-way. Selectman Bowles said he felt someone needed to see that easement. It was noted that Mr. Thistle was on the Planning Board Agenda for this month. Selectman Bowles said that when the as-built is submitted, these issues should be addressed. Mr. Prescott discussed the possibility of a sidewalk connection for the guy wire. The Board agreed that as long as everything is legal, Mr. Fiske can give the approval for the permanent electrical connection for the new residence in question.
 - b. Mr. Fiske discussed the issue of a pond on the Lavoie property. He stated that through discussion with DES, there is no permit for the pond as DES does not consider this to be a jurisdictional wetland and therefore, they have no authority. Mr. Fiske said he had spoken with Peter Schauer regarding the stumps on a Ms. Pickering's property and was advised that if the stumps are removed, there will be more water issues. Mr. Fiske also discussed the issue of withdrawal of water from the swamp on Mr. Lavoie's property. He said any withdrawal that exceeds 20,000 gallons of water per day, or exceeds 600,000 gallons over a period of 30 days must be permitted. Mr. Fiske said that there is nowhere near that amount of gallons being moved on this property.

Selectman Bowles asked if there was anything in writing from DES regarding this. Mr. Fiske said no, because DES has no jurisdiction because it is not a wetland. Discussion ensued regarding questions that the Town's Assessor had regarding the pond. Selectman Maxfield asked if there were still issues or complaints from the neighbors. Mr. Fiske said that Mrs. Cummings has spoken with Mr. Scovill at DES but he felt that up until this meeting being scheduled, it was a moot point.

- c. Chairman Ives stated that Colin Cabot has submitted a letter with his intentions for renovations of Sanborn Farm and of having a bed and breakfast at his Sanborn Road property. He said that Mr. Cabot intends to put in a commercial kitchen to accommodate the needs of the people attending his workshops and museum facilities and eventually to create a bed and breakfast. Chairman Ives said that the Zoning Ordinance says two kitchens makes a duplex and that is why this issue is being discussed. Mr. Fiske said Mr. Cabot had asked for a building permit for the commercial kitchen to be in the carriage shed, and was told that he could not issue the building permit, that this issue needed to go before the Planning and/or Zoning Board. He said Mr. Cabot submitted this letter so it could be addressed. Chairman Ives said that it sounded like Mr. Cabot would need to get a special exception before he could move forward with this process. It was stated that Mr. Cabot is on the agenda for the Planning Board and also for the Zoning Board. Mr. Lizotte said that if Mr. Cabot upgrades his existing kitchen for use of a bed and breakfast, that is one thing, but if he builds a commercial kitchen in addition to his existing kitchen, then it opens up new issues. Selectman Maxfield said he felt that since this issue is going before the Planning Board it should be up to the Planning Board to make the decision. Discussion ensued regarding where the placement of the second kitchen will be. Mr. Prescott said that he did not feel it would be allowed unless they were granted a variance or special exception. Mr. Lizotte said that he felt that this would be stretching the Forestry part of the Ordinance under 205.2 and that this is something that has not come in front of the Board before. He said that Mr. Cabot appears to be looking to expand even further so then there will be a multi use issue. The Board reviewed information on the property.
- d. Mr. Fiske discussed a Hawker and Peddler application for Bob Cole to have a hot dog stand; the vendor is Famous Amos Hot Dogs. This is the same application as last year. The Board agreed this was all in order.

Chairman Ives closed the Board of Permit and reconvened the Selectmen's Meeting.

- III. The Board met with Road Agent David Rice.

- a. Mr. Rice discussed the Berry Road drainage issue relative to the Knowlton property. He said that Dennis Moore had built up the road with crushed gravel and the water is flowing where it is supposed to be flowing. Selectman Bowles said that he had been out to see the work and cautioned Mr. Rice that the Highway Crew needed to be sure they do not create an issue when they grade the area.
- b. Mr. Rice advised the Board he would like the Highway Crew to attend the Mountain of Demonstrations at Gunstock in Gilford this year. Discussion ensued regarding this being the same day as the employee benefits meeting for the new health insurance. Mr. Rice said that the Highway Crew agreed to have their own meeting to discuss any question or concerns, and Office Manager Jean Lee has agreed to follow up with the questions or concerns with the insurance broker. The Board agreed that the Highway Crew could attend the demonstrations.
- c. Mr. Rice advised the Board that the patching of Pleasant Street at the culvert will take place this week. He went on to say that the magnesium will be delivered by the first of next week so the Highway Crew can begin treating the dirt roads.
- d. Mr. Rice advised the Board that the Highway Crew had been working on maintenance for the Landfill Closure. He said the final inspection for this year is in June. Mr. Rice said that Engineer Judy Houston will be at the final inspection in June and will also do the final inspection on Berry Road on that same date.
- e. Mr. Rice advised the Board that all the roads around town have been graded and some are in need again. He stated that they will begin using the magnesium once they get it.
- f. Chairman Ives asked if the Highway Crew was planning to begin the prep-work on Goshen Drive, Sheeprock Road, and Upper City Road. Mr. Rice said that they were. He discussed money from the Highway Block Grant and the paving an area near a cemetery so there is a square spot to start and stop grading.
- g. Selectman Maxfield said Greg Fillmore swept Currier Road from the bridge out. Chairman Ives asked about paving at Mr. Fillmore's property. Selectman Bowles and Mr. Fiske both stated that Mr. Fillmore was putting in a new driveway to address some drainage issues.
- h. Roy Merrill commented that he felt that the Zoning Board had to go out to Berry Road for a site walk relative to the Knowlton property before the bond could be released. Discussion ensued. Mr. Lizotte will follow up on this issue.

IV. The Board met with Police Chief, Code Enforcement/Compliance Officer Bob Fiske.

- a. Mr. Fiske advised the Board that Boy Scout Troop #30 cleaned up the area around Clough Pond Beach and the parking lot.

- b. Mr. Fiske advised the Board that the Loudon Elementary 5th grade DARE Class would be cleaning up around the Arthur W. Colby Safety Complex on Wednesday, and the DARE graduation will be on Wednesday also.
- c. Mr. Fiske advised the Board that this past Saturday was the annual Bike Safety Program with 119 children participating. He said it was a huge success.
- d. Mr. Fiske advised the Board that the facilitator at VOA has asked him to gather a list of names of local dignitaries for an invitation to tour their facility.
- e. Mr. Fiske advised the Board that he had a health issue relative to a property in Loudon where he has had to file a vacate notice. He asked the Board to enter in to executive session to discuss this matter. Selectman Bowles moved to enter in to an executive session to discuss a health issue at 6:59 PM. Seconded by Selectman Maxfield. Roll call vote: Ives yes, Bowles yes, Maxfield yes. Chairman Ives stated that the results of the executive session were discussion of a health issue.
- f. Chairman Ives stated that one pistol permit was submitted for signature and approval.

V. The Board met with Wanda Cummings regarding concerns for her property relative to Mr. Lavoie's pond.

- a. Mrs. Cummings gave an overview of the progression of changes Mr. Lavoie has made to his property regarding water flow and drainage which has affected her property. She stated that trees and vegetation from the back side of her property has been disappearing as well as stones from the stonewall have been moved. Mrs. Cummings discussed how the water now comes on to her property from the northerly and westerly side of her property and about how the overflow from Mr. Lavoie's pond floods her property. She said that she has tried to talk with Mr. Lavoie regarding this issue and is now asking the Town to get involved so that her property is not damaged any further. Mrs. Cummings stated that she had 11 pages of documentation and 22 photographs to submit of various events that have taken place over the years relative to the water on her property. She asked that Mr. Lavoie find a new way to deal with the water issues on his property so that it does not cause further damage to hers. Selectman Maxfield asked Mr. Lavoie if he dug the pond on his property. Mr. Lavoie said that he did dig the pond on his property. He said that he dug a trench out of the pond for the water-flow and submitted some photographs for the Boards review of before and after the pond was dug. Mr. Lavoie said he had spoken with former Conservation Chairman Art Monty to get confirmation that he could harness the water that flows to make a pond. He said Mr. Monty advised him that he could. Mr. Lavoie invited the Board to view his property to see the area in question. He advised the Board that he had

Peter Schauer review the property before he began any changes. Chairman Ives said that Bob Fiske had contacted DES regarding this matter and was advised that there is no permitting process for this type of issue because it was determined that this is not a wetland, it is considered seasonal runoff. Mrs. Cummings said that the problem she has is that Mr. Lavoie incorporated her land in his design without permission from her or her husband. She said there is a serious drainage problem and she and her husband would be happy if that drainage issue was fixed. Mrs. Cummings invited the Board to view her property also. Selectman Maxfield stated he felt the Board needed to review the information and pictures before making any suggestions or decisions. The Board will contact both Mr. Lavoie and Mrs. Cummings with any decision.

- VI. The Board began their review of weekly correspondence.
- a. The Board received correspondence from Albert Hardy regarding a culvert issue on Batchelder Road. Mr. Rice stated that the culvert was in place long before he joined the Highway Department; however, the Highway Crew had replaced the culvert back when John Rice was Road Agent. Mr. Rice said that the right hand side of the road is a natural swale that goes up the banking to the woods. He said that it appears the silt and debris that has gone on to Mr. Hardy's land so the water flow comes out and spreads out on to Mr. Hardy's property as it no longer has the path to follow. Mr. Rice said that the area is so thick; there is no way to get in with a machine to take care of the problem. He said that if they reduce the flow, then there will be a pond on the other side of the road that will flood another property owner's driveway and possibly have issues with the road. Selectman Maxfield asked if the culvert was in place prior to the house being built. Mr. Rice said he thought it may have originally been a stone culvert. Discussion ensued regarding properties in that general area, the culvert being under the Town Road, and the road being paved by Mr. Finney. Mr. Rice will contact Mr. Hardy to discuss options for clearing out the ditch as well as the possibility that some trees on Mr. Hardy's property may need to be removed in order to get the equipment in to take care of this issue.
 - b. The Board received copies of weekly expenditure reports for review.
 - c. The Board received notice that the new "Knowing the Territory" will be available soon and that the "Hard Road to Travel" is still the 2004 edition.
 - d. The Board received notification that Office Manager Jean Lee had been researching Town Meeting Minutes to see if the Selectmen had the authority to amend fees without a vote at Town Meeting. It appears that any amendment to fees must go before the voters before changes can be made. Chairman Ives said that this is due to the Selectmen looking into increasing fees for dog fines and the SPCA.

- Mr. Fiske discussed two ordinances with fees that had to go before Town Meeting for approval. The Board discussed the need to bring a warrant article for next year to authorize the Selectmen to set fees.
- e. The Board received a sample policy format for review for the scholarship awards. Chairman Ives said that the Town Auditor recommended that a written policy be in place.
 - f. The Board received correspondence from the Hopkinton and Webster Selectmen regarding their concerns on the Single Stream Recycling Proposal through the Solid Waste Co-op.
 - g. The Board received an announcement from the American Legion regarding the May 26, 2008 Memorial Day Parade.
 - h. The Board received correspondence regarding the redistricting litigation.
 - i. The Board received copies of a letter from Ray Cowan regarding a request to abate all taxes on an abandoned mobile home. Mr. Fiske asked if there was any notice regarding litigation. Selectman Maxfield reviewed the information which states that Lazy Pines Enterprises has taken legal steps to take possession of the mobile home. The Board agreed to notify Mr. Cowan that until such time as Lazy Pines Enterprises is the legal owner of the unit, the Board does not agree to abate the taxes.
 - j. The Board received equalized valuation figures from DRA for review.
 - k. The Board received copies of correspondence from DES to Bill Leombruno regarding an agreement reached on the dam issues.
 - l. The Board received copies of correspondence from DES to Terrance O'Brien regarding a pond dam on Hardy Road.
 - m. The Board received copies of a notice of past violations to Manchester Sand & Gravel.
 - n. The Board reviewed a copy of the new Right-To-Know Law poster for display at the Town Office.
 - o. The Board received copies of April property transfers for review.
 - p. The Board received copies of NHMA Legislative Bulletin #21.
 - q. The Board received copies of an article from the Concord Monitor regarding cooperative efforts of area towns.
 - r. The Board received a certificate of appreciation from the Girl Scouts. The Board agreed that there are many good programs and organizations in Loudon.
 - s. The Board received copies of two memos from PSNH regarding July 1 increases and using utility poles for banners, etc.
 - t. Chairman Ives read the following oath in to the record: We, the Selectmen and Assessors of the Town of Loudon NH, do solemnly swear that in making the inventory for the purpose of assessing the foregoing taxes we appraised all taxable property at its full value, and as we would appraise the same in payment of a just debt due for a solvent debtor. So help us God.

Selectman Bowles moved to adjourn at 8:00 PM. Seconded by Selectman Maxfield. All in favor. Meeting adjourned.

THE LOUDON BOARD OF SELECTMEN

Steven R. Ives, Chairman

Dustin J. Bowles, Selectman

Roger A. Maxfield, Selectman