

FINAL

SELECT BOARD MEETING

June 6, 2016

7:30 P.M. - MUNICIPAL OFFICE BUILDING - HANOVER, NH

The meeting of the Select Board was called to order at 7:30 p.m. by Chair Peter Christie. Present were: Peter Christie, Chair; Athos Rassias, Vice Chair; Nancy Carter, Select Board Member; Bill Geraghty, Select Board Member; Joanna Whitcomb, Secretary; and Julia Griffin, Town Manager.

1. PUBLIC COMMENT

Chair Christie asked for Public Comment. There were no comments from the public.

2. PUBLIC HEARING TO CONSIDER DECLARATION OF A PORTION OF WOLFEBORO ROAD AS AN EMERGENCY LANE FOR EMERGENCY RESPONSE ACCESS PURPOSES ONLY.

Ms. Griffin invited Fire Chief Martin McMillan to speak to the Board. Ms. Griffin stated that a map is included in Friday's Memo to the Select Board showing the location on Wolfeboro Road that is in need of improvements. These improvements are necessary to safely rescue patients from the nearby trail should there be an emergency. Chief McMillan stated that, rather than change the classification of the road, some modest work on the road would suffice. He does not wish for a fire engine or even a pickup truck to access the area, just an ATV for emergency personnel to access the trail. If approved, the work would be done by the Department of Public Works.

The Conservation Commission supports this work being done.

Select Board Member Whitcomb asked if there would be a way to limit access of ATVs through the emergency lane by putting up a gate. Chief McMillan understands that we could put up a gate, but we could not lock it.

Kay Shumway, who lives on Moose Mountain, asked how many rescues had been done this year. Chief McMillan stated that there were none. There was one last year. He doesn't expect that there will be a significant number of rescues but the number of hikers may double due to a movie that has been filmed about the Appalachian Trail.

Richard Kendall states that he lives at the intersection of Three Mile Road and Wolfeboro Road. His main concern is the excessive amount of traffic on the road. It isn't unusual to see vehicles speeding down the road. He is worried that improvements to the road will increase the traffic and speed on the road. He feels that some sort of speed table would be helpful. He added that hunters do not usually cause a problem but there is a problem with vehicles mudding and those

are the vehicles that speed. Ms. Griffin stated that they could discuss with Public Works some options for slowing down the traffic leaving the Class VI portion of the road.

Mr. Kendall is also concerned about erosion. Several years ago, some work was done on a nearby property that resulted in water being diverted onto his property. He would like for any work done to take into consideration this problem and prevent more erosion.

Bob Johnson stated that he works with groups around the area that use roads such as this one recreationally to ride in trucks or jeeps. He has concern about use of the road and whether any improvements may make the road more popular for this purpose, which could potentially lead to more frustration by homeowners nearby. He is working to get the word out to such users about using the road with nearby homeowners' desire to keep noise and speed down, so that roads such as this one don't end up getting closed or blocked by frustrated homeowners. He feels that putting up gates or bars would be acceptable, so that vehicles using the road would have to stop to open them up. This would help decrease speeding. He thanked the Board for taking those thoughts into consideration.

Doug McIlroy of the Trails Committee stated that he has paid much attention to Wolfeboro Road. It is the only road the Committee has received mechanical help to work on. From a trails committee standpoint, he is delighted at this idea, however, he would like to see a locked gate just beyond the log landing. He is confused about locked gates not being allowed, because there are several of them on Class VI roads. Mr. Johnson stated that there is an RSA disallowing locking of gates, though he knows people lock them, anyway. Ms. Griffin said she would follow up on this.

Select Board Member Carter MOVED to Declare a Portion of Wolfeboro Road as an Emergency Lane for Emergency Response Access Purposes Only. Vice Chair Rassias SECONDED the Motion.

THE BOARD VOTED UNANIMOUSLY TO DECLARE A PORTION OF WOLFEBORO ROAD AS AN EMERGENCY LANE FOR EMERGENCY RESPONSE ACCESS PURPOSES ONLY.

3. CONSIDERATION OF REQUEST TO "UNMERGE" PROPERTY LOCATED AT 10 GREENSBORO ROAD, MAP 25, LOT 8.

Ms. Griffin stated that the property at 10 Greensboro Road was sold to Mr. Thale Jacobs by the Town of Hanover after it was deeded to the Town for failure of the owner to pay property taxes. Mr. Jacobs states that the property was originally two parcels that were later merged. He would like the parcel unmerged so he can build two separate homes and sell both parcels. Town research shows that the former owner, Lucille Dougal, believed the lot to be one parcel. In addition, all of our tax and property records show it to be one lot.

Chair Christie asked when the lot became merged. Ms. Griffin stated that we do not know when the merger occurred. Mr. Jacobs stated that he hired an attorney to do a title search, and they

were also unable to determine the date of the merger. In 1941 and 1971, however, the property was deemed as having two parcels.

Ms. Griffin stated that although Ms. Dougal believed it was one parcel, we can't necessarily rely on her understanding of the property to be the actual status of the property.

Select Board Member Whitcomb noted that we sold, and Mr. Jacobs purchased, the property as one lot. Mr. Jacobs replied that the deed from the purchase described the property as having two parcels. He added that regulations state that unless there is a signoff or voluntary unmerging of one lot to two lots, at the request of the property owner, the lots can be unmerged.

Select Board Member Whitcomb added the existing lot is non-conforming. Ms. Griffin clarified that the property would remain non-conforming even if the Board were to unmerge the lots.

Select Board Member Whitcomb asked if we should suggest that Mr. Jacobs go through the subdivision process rather than unmerging the lots. Ms. Griffin replied that this would be another option. Mr. Jacobs stated that he has discussed this briefly with Zoning Administrator Judy Brotman, but he is going this route based on the deeds clearly describing two parcels.

Chair Christie asked for confirmation that all of the deeds deem the property to be two parcels. Ms. Griffin and Mr. Jacobs both stated this is true. Mr. Jacobs added that no evidence has been found through the title search that anyone ever agreed to the merging of the parcels.

Select Board Member Carter asked why this issue is in front of the Board considering that there is no documentation that the parcels ever were merged. Ms. Griffin replied that it's in his best interest to request it, given that we sold it as one parcel and our tax maps reflect it as one.

Select Board Member Whitcomb clarified that the Town sold, and Mr. Jacobs purchased, the property as one lot. Mr. Jacobs stated that he purchased the property based on the description in the deed as having two clearly defined parcels.

Ms. Griffin stated that she has not discussed with our tax attorney, but wonders whether we would have set the opening bid higher if we had sold it as two parcels rather than one.

Chair Christie asked if there was any information as to when we started taxing the property as one lot versus two. There is no record of this, either, as our system does not go back that far. All information available shows that we have taxed it as one.

Select Board Member Whitcomb asked for more information related to voluntary mergers. Ms. Griffin stated that the language regarding voluntary mergers is difficult to comprehend, but she understands that once parcels are voluntarily merged, they cannot be unmerged. In this case, the only evidence we have that the parcels were ever merged is Ms. Dougal's belief that the property was one parcel. We can't, however, rely on Ms. Dougal's state of mind.

All recorded deeds of the property show two clearly-defined parcels, and one of those is just a wooded lot that has not been built upon.

Ms. Griffin noted, as did Mr. Jacobs, that two parcels would generate more tax revenue for the Town than one. Mr. Jacobs also noted that regulations place the burden of proof on a municipality to prove that any previous owner voluntarily merged his or her lots. In this instance, there is no such proof.

Select Board Member Geraghty asked for clarification on what sort of action would follow if the Board approved the request, or if they denied it. Ms. Griffin replied that approving the request would result in our Town Attorney communicating the action to the Registry of Deeds to ensure the deed records and language are correct. The Town assessor would reevaluate each of the parcels and they would then be taxed as two parcels. If we deny the request, Mr. Jacobs could file suit against the Town or he could apply to subdivide the lot.

Select Board Member Carter MOVED to Approve Request to “Unmerge” Property Located at 10 Greensboro Road, Map 25, Lot 8. Select Board Member Geraghty SECONDED the Motion.

THE BOARD VOTED 4 IN FAVOR, 1 OPPOSED TO APPROVE REQUEST TO “UNMERGE” PROPERTY LOCATED AT 10 GREENSBORO ROAD, MAP 25, LOT 8.

4. RECOMMENDATION TO ADOPT ABATEMENTS AS RECOMMENDED BY THE ADVISORY BOARD OF ASSESSORS.

Ms. Griffin noted that that Friday’s Memo to the Select Board included recommendations by the Advisory Board of Assessors on abatements.

Vice Chair Rassias MOVED Adopt Abatements as Recommended by the Advisory Board of Assessors. Select Board Member Carter SECONDED the Motion.

THE BOARD VOTED UNANIMOUSLY TO ADOPT ABATEMENTS AS RECOMMENDED BY THE ADVISORY BOARD OF ASSESSORS.

5. RECOMMENDATION TO APPROVE PETITION AND UNDERGROUND LICENSE FOR COMCAST CABLE.

Comcast has applied for a petition and underground license to replace underground conduit and cable in the area behind Town Hall. Ms. Griffin stated that he cable was damaged and has affected the internet connections for a number of businesses in the area. We may require some of this work to be done at night.

Vice Chair Rassias MOVED to Approve Petition and Underground License for Comcast Cable. Select Board Member Carter SECONDED the Motion.

THE BOARD VOTED UNANIMOUSLY TO APPROVE PETITION AND UNDERGROUND LICENSE FOR COMCAST CABLE.

6. RECOMMENDATION TO APPROVE EXTENSION OF THE FRANCHISE AGREEMENT WITH COMCAST THROUGH DECEMBER 31, 2016 TO ENABLE COMPLETION OF CURRENT RENEWAL NEGOTIATIONS.

Town staff recommends that the Board approve extension of the franchise agreement with Comcast Cable.

Select Board Member Carter MOVED to Approve Extension of the Franchise Agreement with Comcast Through December 31, 2016 to Enable Completion of Current Renewal Negotiations. Select Board Member Geraghty SECONDED the Motion.

THE BOARD VOTED UNANIMOUSLY TO APPROVE EXTENSION OF THE FRANCHISE AGREEMENT WITH COMCAST THROUGH DECEMBER 31, 2016 TO ENABLE COMPLETION OF CURRENT RENEWAL NEGOTIATIONS.

7. RECOMMENDATION TO APPROVE ANNUAL CONCURRENCE WITH THE TOWN'S EMERGENCY OPERATIONS PLAN.

Ms. Griffin stated that the Town's Emergency Operations Plan must be reviewed and revised, as necessary, every five years. The Board must concur with the Plan each year after an initial review and revision.

Select Board Member Whitcomb MOVED to Approve Annual Concurrence with the Town's Emergency Operations Plan. Select Board Member Carter SECONDED the Motion.

THE BOARD VOTED UNANIMOUSLY TO APPROVE ANNUAL CONCURRENCE WITH THE TOWN'S EMERGENCY OPERATIONS PLAN.

8. APPOINTMENTS: ADVANCE TRANSIT BOARD.

Ms. Griffin stated that Carolyn Radisch's term on the Advance Transit Board has expired and she is seeking reappointment. Town staff recommends her reappointment for a three-year term.

Vice Chair Rassias MOVED to Reappoint Carolyn Radisch to the Advance Transit Board. Select Board Member Carter SECONDED the Motion.

THE BOARD VOTED UNANIMOUSLY TO REAPPOINT CAROLYN RADISCH TO THE ADVANCE TRANSIT BOARD.

9. APPROVAL OF MINUTES:
a. May 10, 2016
b. May 16, 2016

Select Board Member Geraghty MOVED to Approve the Minutes of May 10, 2016. Select Board Member Carter SECONDED the Motion.

THE BOARD VOTED UNANIMOUSLY TO APPROVE THE MINUTES OF MAY 10, 2016.

Select Board Member Carter MOVED to Approve the Minutes of May 16, 2016. Vice Chair Rassias SECONDED the Motion.

THE BOARD VOTED UNANIMOUSLY TO APPROVE THE MINUTES OF MAY 16, 2016.

10. ADMINISTRATIVE REPORTS.

Ms. Griffin stated that graduation season is upon us and are working on cleaning up around Town. There is also a lot of highway work going on in our rural areas.

The Sustainable Hanover Committee is working with Upper Valley Chapter of The Sierra Club to pursue the Town becoming a net-zero emissions community by 2050. Yolanda Baumgartner and Marjorie Rogalski of the Sustainable Hanover Committee are leading this project with the Sierra Club. They will also be working with Dartmouth College to see if they would like to join in on this effort. In addition, Peter Kulbacki of Public Works and Ms. Griffin have been invited to San Francisco to attend the planning meeting for all of the communities that have been selected, and the Sierra Club is paying for their attendance. Ms. Griffin stated that the trip is next month, which isn't great timing for her, so she hopes Rob Houseman, the new Planning and Zoning Director, can attend with Mr. Kulbacki. Another option is to send a representative from Dartmouth.

11. SELECT BOARD MEMBER REPORTS.

Select Board Member Bill Geraghty

Select Board Member Geraghty had nothing to report.

Vice Chair Athos Rassias

Vice Chair Rassias had nothing to report.

Chair Peter Christie

Chair Christie had nothing to report.

Select Board Member Nancy Carter

Select Board Member Carter reported that the Planning Board will be meeting here in the Board room tomorrow evening at 7:30 p.m. and will discuss Dartmouth's plans for building near the Boss Tennis Facility. The Howe Library Board is working on finalizing candidates for the position of Director upon Mary White's retirement.

Select Board Member Joanna Whitcomb

Select Board Member Whitcomb reported that the Bike and Pedestrian Committee met Thursday but she was unable to attend. The previous weekend, bicycle safety trainers received training and it was very successful. They continue working on becoming a bicycle-friendly community under the League of American Bicyclists.

12. OTHER BUSINESS.

Chair Christie MOVED to Follow the Request for a Non-Public Session to Discuss Items Pursuant to RSA 91-A:3, II (b) and (e).

SELECT BOARD MEMBER GERAGHTY VOTED YES; VICE CHAIR RASSIAS VOTED YES; CHAIR CHRISTIE VOTED YES; SELECT BOARD MEMBER CARTER VOTED YES; SELECT BOARD MEMBER WHITCOMB VOTED YES. THE BOARD WENT INTO NON-PUBLIC SESSION AT 8:40 P.M.

Select Board Member Carter MOVED to Exit the Non-Public Session at 9:07 p.m. Select Board Member Geraghty SECONDED the Motion.

THE BOARD VOTED UNANIMOUSLY TO EXIT THE NON-PUBLIC SESSION.

11. ADJOURNMENT.

Select Board Member Carter MOVED to Adjourn the Meeting at 9:07 p.m. Select Board Member Geraghty SECONDED the Motion.

THE BOARD VOTED UNANIMOUSLY TO ADJOURN THE MEETING.

Respectfully Submitted,

Joanna Whitcomb, Secretary

Minutes prepared by Adriane Coutermarsh.

SUMMARY

1. **Select Board Member Carter MOVED to Declare a Portion of Wolfeboro Road as an Emergency Lane for Emergency Response Access Purposes Only. Vice Chair Rassias SECONDED the Motion.**

THE BOARD VOTED UNANIMOUSLY TO DECLARE A PORTION OF WOLFEBORO ROAD AS AN EMERGENCY LANE FOR EMERGENCY RESPONSE ACCESS PURPOSES ONLY.

2. **Select Board Member Carter MOVED to Approve Request to “Unmerge” Property Located at 10 Greensboro Road, Map 25, Lot 8. Select Board Member Geraghty SECONDED the Motion.**

THE BOARD VOTED 4 IN FAVOR, 1 OPPOSED TO APPROVE REQUEST TO “UNMERGE” PROPERTY LOCATED AT 10 GREENSBORO ROAD, MAP 25, LOT 8.

3. **Vice Chair Rassias MOVED Adopt Abatements as Recommended by the Advisory Board of Assessors. Select Board Member Carter SECONDED the Motion.**

THE BOARD VOTED UNANIMOUSLY TO ADOPT ABATEMENTS AS RECOMMENDED BY THE ADVISORY BOARD OF ASSESSORS.

4. **Vice Chair Rassias MOVED to Approve Petition and Underground License for Comcast Cable. Select Board Member Carter SECONDED the Motion.**

THE BOARD VOTED UNANIMOUSLY TO APPROVE PETITION AND UNDERGROUND LICENSE FOR COMCAST CABLE.

5. **Select Board Member Carter MOVED to Approve Extension of the Franchise Agreement with Comcast Through December 31, 2016 to Enable Completion of Current Renewal Negotiations. Select Board Member Geraghty SECONDED the Motion.**

THE BOARD VOTED UNANIMOUSLY TO APPROVE EXTENSION OF THE FRANCHISE AGREEMENT WITH COMCAST THROUGH DECEMBER 31, 2016 TO ENABLE COMPLETION OF CURRENT RENEWAL NEGOTIATIONS.

6. Select Board Member Whitcomb **MOVED** to Approve Annual Concurrence with the Town's Emergency Operations Plan. Select Board Member Carter **SECONDED** the Motion.

THE BOARD VOTED UNANIMOUSLY TO APPROVE ANNUAL CONCURRENCE WITH THE TOWN'S EMERGENCY OPERATIONS PLAN.

7. Vice Chair Rassias **MOVED** to Reappoint Carolyn Radisch to the Advance Transit Board. Select Board Member Carter **SECONDED** the Motion.

THE BOARD VOTED UNANIMOUSLY TO REAPPOINT CAROLYN RADISCH TO THE ADVANCE TRANSIT BOARD.

8. Select Board Member Geraghty **MOVED** to Approve the Minutes of May 10, 2016. Select Board Member Carter **SECONDED** the Motion.

THE BOARD VOTED UNANIMOUSLY TO APPROVE THE MINUTES OF MAY 10, 2016.

9. Select Board Member Carter **MOVED** to Approve the Minutes of May 16, 2016. Vice Chair Rassias **SECONDED** the Motion.

THE BOARD VOTED UNANIMOUSLY TO APPROVE THE MINUTES OF MAY 16, 2016.

10. Chair Christie **MOVED** to Follow the Request for a Non-Public Session to Discuss Items Pursuant to RSA 91-A:3, II (b) and (e).

SELECT BOARD MEMBER GERAGHTY VOTED YES; VICE CHAIR RASSIAS VOTED YES; CHAIR CHRISTIE VOTED YES; SELECT BOARD MEMBER CARTER VOTED YES; SELECT BOARD MEMBER WHITCOMB VOTED YES. THE BOARD WENT INTO NON-PUBLIC SESSION AT 8:40 P.M.

11. Select Board Member Carter **MOVED** to Exit the Non-Public Session at 9:07 p.m. Select Board Member Geraghty **SECONDED** the Motion.

THE BOARD VOTED UNANIMOUSLY TO EXIT THE NON-PUBLIC SESSION.

12. Select Board Member Carter **MOVED** to Adjourn the Meeting at 9:07 p.m. Select Board Member Geraghty **SECONDED** the Motion.

THE BOARD VOTED UNANIMOUSLY TO ADJOURN THE MEETING.