

**LYNDEBOROUGH BOARD OF SELECTMEN**  
**MEETING MINUTES**  
**March 30, 2016**  
**DRAFT 2**

**Members Present:** Chairman Lee Mayhew and Selectman Fred Douglas.  
Selectman Mark Schultz was not present.

**Staff Present:** Town Administrator Russ Boland and Road Agent Kent Perry

**Public Present:** Kevin Leonard from Northpoint Engineering, resident Ginny Chrisenton and Planning Board members Bob Rogers, Tom Chrisenton and Julie Zebuhr.

**Media Present:** None

**Recorder:** Kathleen Humphreys  
Chairman Mayhew called the meeting to order at 6:00pm.

**Consent Agenda:**

Review and signing of consent agenda items

- a. AP Warrant 3/30/2016
- b. Payroll 3/31/2016
- c. Intent to Cut 217-002-000 Supplemental
- d. Intent to Cut 229-002, 007, 008-000
- e. Timber Tax Yield 207-021-000
- f. Non-Public Meeting Minutes 3/16/2013, Session 1 & 2
- g. Meeting Minutes 3/16/16
- h. 2016 MS-232

**VOTE: Chairman Mayhew made a motion, Selectman Douglas seconded, to accept the consent agenda items. Motion passed 2-0.**

The meeting opened with a moment of silence for fallen Lyndeborough firefighter Derek Lankowski who was killed when a tree fell on his pick-up truck while driving in Weare.

**Appointments:**

**6:03pm: Dwight Sowerby, Non-Public Session: RSA 91-A:3II(c)**

**VOTE: Selectman Douglas made a motion, Chairman Mayhew second, to go into a Non-Public Session: RSA 91-A:3II(c) at 6:03pm. Motion passed 2-0.**

**VOTE: Selectman Douglas made a motion, Chairman Mayhew second, to return to the public meeting at 6:25pm. Motion passed 2-0.**

**6:30pm: Driveway Permit Discussion with Planning Board members**

Planning Board members Bob Rogers, Tom Chrisenton and Julie Zebuhr were present to discuss the Selectmen's intentions to have the Planning Board review driveway permits on scenic roads.

The Planning Board did not act upon two driveway permit applications at their March meeting per the instructions of the Selectmen because they felt they do have the authority and that a public hearing would be necessary.

It is unclear the history of the responsibility of driveway permits. The Planning Board felt the Road Agent is better suited to sign-off on them. Chairman Rogers felt the Planning Board might have to hire an engineer because they don't have the expertise. Mr. Rogers felt it would be simpler for the Planning Board to review driveway permits but not required to hold a public hearing because of the time delay and cost factors.

Chairman Mayhew addressed boundary stone walls on scenic roads and temporary driveway.

The Planning Board mentioned the boundary is the line of the right-of-way and the property owner still owns the land under it and unless otherwise indicated the property owner owns up to the center of road.

The stone wall statute was discussed for Scenic Roads RSA 231:157 and RSA 231:158 in which permission is granted by the Planning Board or other governing body. Selectman Douglas stated the intention of the Selectmen is to have another set of eyes follow the statute as outlined here. They don't want another situation, such as the recent driveway issue on Crooked S Road, in which a lot has three driveways and the temporary logging driveway has not been put back. He is surprised the Planning Board would allow three driveways.

Mr. Chrisenton stated in that situation it was a subdivision application and Mr. Chawla acquired the extra driveway in the lot-line adjustment. Mr. Rogers mentioned with a temp permit it functions as a logging access but when completed, the stone wall needs to be put back. Mr. Chawla was given a verbal statement by the Road Agent that it was temporary and the wall should be restored and Mr. Chawla agreed but he has a different opinion now. The driveway permit applications has been revised so the information is in writing. The Selectmen felt if driveway permits went through the Planning Board it would have been articulated again.

Selectman Douglas and Road Agent Kent Perry reviewed another driveway on 43 Crooked S Road. The property owner wants to move the driveway and they are working with the road agent. The proposed change would increase the sight distance and sight alignment. Two big oak trees might need to be moved and they were informed the request would go before the Planning Board. It was determined that a landowner can cut the trees along their boundary wall, unlike public utilities or the town that would need Planning Board approval on a scenic road. The property owner owns to the center of the road. Road Agent Perry will inform the landowner she does not need to make an appointment with the Planning Board.

Julie Zebuhr would like to see "No Through Trucking" signs on New Road and a speed limit of 25mph. She felt the road has a right to be narrow with trees and the reason for a scenic road is basically tourism and heritage. Mr. Rogers mentioned that Mountain Road reconstruction

starts, New Road will be the logical truck route. He mentioned there are safety concerns around certain corners, humps and blind corners such as at Hell's Peak

Selectman Douglas asked the Planning Board members if they would be comfortable reviewing driveway permits on scenic roads without going through the process of holding a public hearing. The Board felt it didn't need to be before them and felt a denial could be argued in court. Chairman Rogers stated a subdivision would be different because the Planning Board has the authority.

It was decided the Planning Board would review and comment on the new driveway applications. Possible improvements included the scenic road driveway permit be a different color, temporary driveway permits have an end date, different language, a spot for the applicant to sign and acknowledge the rules plus for stone walls to be restored, not gated. Town Administrator Boland will see if Attorney Drescher or NRPC has any models. Kevin Leonard suggested researching Londonderry policy which has an advanced notification for driveways on scenic roads.

It was noted the Planning Board does not have the authority to approve or not approve without a public hearing.

The topic will be on a future Selectmen's agenda.

Chairman Mayhew proposed training for the Conservation Commission, Planning Board, Zoning Board of Adjustment and Selectmen with Attorney Bill Drescher.

### **7:00pm: Mountain Road Project**

Kevin Leonard from Northpoint Engineering and Road Agent Kent Perry were present.

Mr. Leonard submitted the Alteration of Terrain Permit applications to the Board.

Kingsbury Company was the low bidder. They are a growing Vermont company doing more work in New Hampshire. They recently did the Goffstown Rail and Trail Project plus three roadway projects in Lebanon, all with good results.

Kingsbury Company's references were checked and Mr. Leonard reported the people he spoke with felt they did good work and had adequate equipment and personnel. One comment that came up was to be careful of extras.

Mr. Leonard believes they are a capable company.

Selectman Douglas asked the procedure if the company finds ledge. Mr. Leonard said if they expose ledge the parties need to agree on removal in order to get paid.

Change orders will be written up, plus or minus to contract or timeframe, then it's discussed, agreed and both parties sign-off. There will be weekly meetings at Center Hall.

The highway department should not be needed from this project. They will be going to a four-day work week, possibly by mid-April.

Mountain Road resident Bill Welch gave permission to park equipment on his lower field and permission for Northpoint Engineering to start their work.

Replacing old telephone poles was discussed and the need for an easement especially since some may need to be moved to the other side of the street or further into the field.

Kent Perry and Russ Boland will talk to Center Road resident David Schmechel who owns the hayfields on Mountain Road in section A. The fields flood and photographs were taken recently. He was informed that as a farmer, he can clean out the swales without permits and is allowed to muck his own pond. Mr. Perry will research the law and have another discussion with Mr. Schmechel.

Selectman Douglas wanted to make sure the company knew the time restraints of the project and questioned if they are large enough to handle the Mountain Road Project and the South Street Project in Milford at the same time. The Board wanted to add the stipulation to communicate when paving prep work starts to have earth work support on-site in case of issues.

Kevin Leonard sent an email to Board dated: 3/29/16 Mountain Road Discussion with meeting items. He also mentioned photos will be taken often during the project.

A Detour Meeting will be scheduled with abutters, contractors, police, fire, highway department, Keene Mutual Aid, MACC Base, post office and maybe New Boston Fire Department. A mail list will be made. The Board requested the Site Supervisor notifies the communication centers daily of road closures. Mr. Leonard will inquire if they have electronic communication signs.

**VOTE: Selectman Douglas moved, Chairman Mayhew seconded, to offer the Notice of Award to Kingsbury Company and Continental Paving. Motion passed 2-0.**

The Board reviewed Northpoint Engineering's contract.

**VOTE: Selectman Douglas moved, Chairman Mayhew seconded, to execute the contract with Northpoint Engineering for proposal number P14044-3 and proposal P14044-2 "As Needed Engineering Services" Contract for task 1, 2 and 3. Motion passed 2-0.**

**Community Forum:**

None

**Old Business:**

**Wilton Transfer Station Survey Results Discussion**

**New Town Business:**

**Driveway Application Review**

Tabled

**Wilton-Lyndeborough Joint Meeting Planning**

Tabled

## **2016 Budget and Revenue Review**

The budget was reviewed. Currently at 21% of the year, 27% is spent so about 4% ahead.

The Board recognized the hard-work that Scott Roper put into the "Report on the Status of Joslin and Creesy Roads" prepared for the Town of Lyndeborough.

**VOTE: Selectman Douglas made a motion, Chairman Mayhew seconded, to award a \$50 gift certificate, from the Selectmen's Line, in appreciation of the volunteer work Scott Roper did. Motion passed 2-0.**

## **Fund Balance Policy Review**

Document was reviewed by the Selectmen.

## **Town Administrator's Report**

**VOTE: Chairman Mayhew moved, Selectman Douglas seconded, to adopt the town's Fund Balance Policy. Motion passed 2-0. *It was noted the dates need to be updated.***

Residents Norma Walker and Frances Taylor sent a letter to the Selectmen voicing their concerns that Town Meeting was not properly noticed. It was noted everything they had concerns with was done plus in addition a notice was placed at the Village Store. A letter will be sent to them.

-Old Temple property that was served as a junkyard is in compliance and the complaint has been nullified.

-The Conservation Commission would like to develop a seal and wanted to know if they need Selectmen's approval and the answer was no.

-The Highway Department will removed stumps on 3-31-16 at Citizens' Hall.

-A police officer supplied a \$4,300 reimbursement for not completing his training contract.

-Historic Commission will contact T/A Boland for a tour of the Center Road Storage Building to store town historic documents.

-Devin McEntee talked with T/A Boland regarding the funeral for LFD firefighter Derek Landowski.

-Mountain Road Approval letter was reviewed which will be sent to abutters with a revised schedule. The Board was in approval of the letter as written.

-Abatement for Andrew Chawla on Crooked S Road.

T/A Boland spoke with Todd Hayward. The abatement was before the Board of Land and Tax Appeal (BLTA) and sent to the town for a negotiated settlement. Mr. Chawla wanted \$325,000 and will settle at \$350,000. The property was assessed at \$404,020 before the logging operation took place. Mr. Chawla is stating incorrect measurements were used and his assessment is dis-proportionate to other properties.

The rest of land is in current use and he has concerns with the wetlands, slope, terrain and ledge. His appeal also stated the soils are very bad and the woods are unhealthy.

Selectman Douglas has issues with this request because Mr. Chawla clear cut his land. He had a logging operation last July. The Board would like Cheryl Todd to visit the property.

The Board was informed that during the recent lot-line adjustment between Mr. Chawla and Mr. Freischlag on Crooked S Road, the map submitted to the Planning Board with a surveyor's stamp stated soils were good and a comment was made by a Planning Board member that it was rare for Lyndeborough soil and they were lucky. The Planning Board Secretary will provide the map and meeting minutes as supporting documentation.

**VOTE: Selectman Douglas made a motion, Chairman Mayhew second, to go into a Non-Public Session: RSA 91-A:3II (c) at 9:42 p.m. Motion passed 2-0.**

**VOTE: Selectman Douglas made a motion, Chairman Mayhew second, to return to the public meeting at 10:02. Motion passed 2-0.**

**Adjournment:**

All scheduled items having been addressed, the public meeting was adjourned at 10:03 p.m.

Date:

Kathleen Humphreys, Transcriber

Chairman Lee Mayhew

Selectman Mark Schultz

Selectman Fred Douglas

**APPROVED BY THE BOARD OF SELECTMEN ON APRIL 13, 2016**