

MINUTES SELECTMEN'S MEETING - May 15, 1989

Selectmen Tom Mansfield, Willard Dodge and Arthur Johnston were present at 7:00 pm with Sandra Gendron taking minutes.

Wilfred Klardie, Bedford Road, was in to discuss work he was proposing to do on a Class VI road on which he was subdividing a lot for one of his grandchildren. He discussed the installation of a culvert which had been approved by Road Agent Lee Murray who would purchase the 18" culvert needed at Mr. Klardie's expense. Mr. Klardie claimed that the Road Agent had told him what he would need to do to bring the road to a Class V status, which was determined in discussion to involve approximately 500'. Further discussion revealed that there were still questions remaining on the entire project with regard to subdivision on an existing class VI road, why no Road Profiles had been required by the Planning Board as had been the requirements in previous subdivisions, and shouldn't Mr. Klardie be required to bring the road up to the point of crush gravel as other subdividers had been required. The Selectmen felt there were definitely some inconsistencies with the proposals for the project and would check with the Planning Board and with Road Agent Murray whom they felt might not understand that Mr. Klardie was bringing the road to a class V status. What was involved in a Road Profile was explained to Mr. Klardie who felt that he was capable of doing the construction work involved; but his qualifications for this work would have to be determined by the Selectmen.

Michael Weed, Lull Road, was in to interview for a position on the Conservation Commission. He has been a resident of New Boston for approximately two years and has attended the commission's meeting regularly for about three months. He is interested in the conservation of open land and when asked felt that he was capable of listening to all sides of an issue and could be broad-minded when faced with decisions to be made between developers and the commission. He took the opportunity to discuss with the Selectmen a drainage problem with the cul-de-sac on Lull Road where he lived. The Selectmen told Mr. Weed the situation was a recognized problem that appeared to be the results of the design of the road rather than the construction. They also felt that because the road was being added on to as a result of further subdivision that the drainage issue would be rectified.

James Smith, Clark Hill Road, was also in to interview for a position on the Conservation Commission. He and his family have been residents of New Boston since 1986 and had owned the land on which he built since 1979. He felt he had time to donate to the Town and he became interested in the Conservation Commission when a subdivision in his neighborhood brought several issues with regard to the land to light. He is frustrated by the growth of the Town and concerned about protecting and balancing the subdivision of land for the future generations. Selectman Dodge who had had previous conversations with Jim with regard to his neighborhood situation pointed out to Jim that he could not stop development and based on his feelings would he be able to adjust his attitude to listen to all aspects of any situation that might come before the Conservation Commission. Jim felt that he had learned a lot from the Messina Subdivision on Clark Hill Road and could deal with whatever might present itself and not take a personal bias.

Mary Carol Schaffrath, Bedford Road, was also in to interview for the Conservation Commission. She has resided in New Boston for 3½ years and has been active in the past with Girl Scouts and the Jr. Women's Club in Nashua where she took an active role in some conservation issues. She also had attended several of the Commission's meetings and felt that she was capable of weighing all sides of an issue before making a decision to determine what might be best for the Town.

Maureen Morency, Dougherty Lane, was in to discuss concerns she had with the installation of a water cistern by John Palmer and Laurence Gordon who had owned her property previously and had retained an easement on the Morency lot to place the cistern which was required by the Fire Department due to the number of lots that Palmer and Gordon had subdivided in the area. Mrs. Morency had been led to believe that the project would be completed in a time span of approximately three weeks, yet the area had been open for approximately six months, and not properly fenced before work continued and now the entire project was being dug up again. Mrs. Morency wanted to know who was in charge, who had control over the project and she wanted notice when the contractors would be working. The Selectmen explained that this project

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was more than two years old and that Palmer and Gordon owed the cistern to the Town of New Boston. Problems had arisen between the two men and the partnership had been dissolved. Selectman Dodge explained to Mrs. Morency that the Town had an easement for the maintenance and utilization of the cistern only when the cistern was accepted by the Town, this acceptance has yet to take place. The current involvement of the Town was only in the inspection process as work on the installation of the cistern progressed. The cistern as installed had failed to pass inspection and this was the cause for the present digging for which Mrs. Morency is concerned. This cistern will not become the responsibility of the Town of New Boston until it passes inspection and has been tested. The Selectmen further explained that the Town no longer accepts easements on deeds of another for these cisterns, but has learned that it is far better to own the property on which the cistern is located and that is the current policy. Mrs. Morency claimed that the contractor was blaming the Town for the present situation and that she has no objections to it being there, but wants the project finished. She did call in the Police regarding the re-opening of the cistern claiming that she should have been given advance notice that this work was to be done on her land. Chief Ballou was in earlier in the evening to inquire as to the particulars of the matter. He agreed that it was a civil matter and his only responsibility was to keep the peace. It was suggested to Mrs. Morency by the Selectmen that she might want the contractors to continue so that the project might be completed to the Town's satisfaction and then the cistern could be accepted. When this happened then Mrs. Morency would deal only with the Town. A copy of Mrs. Morency's deed was reviewed and the wording appeared to be very broad with regard to the easement. Information will be gathered and Mrs. Morency will be contacted as to the status of the matter.

As previously mentioned Chief of Police Ballou was in regarding the Morency matter and discussion on a different matter brought about the thought that some kind permit should be instituted whereby the various departments would let the Police Department know of upcoming events and the particulars of said event so that the Department might determine if policing is necessary and would schedule officers, depending on the need.

Fire Chief James Dodge was in to discuss fire cisterns in general, alluding to the ones with more specific problems such as Dougherty Lane and Hooper Hill, both of which were installed by the same contractor. He related that after much discussion the Fire Wards were leaning towards the Town building the cisterns themselves. This idea had been previously discussed; however, at the time the thoughts seemed to be that too many problems could potentially develop. The problems seem to be developing anyway, so the Fire Wards wonder if they could be any worse off if the Town takes the responsibility of the installation of the cisterns. On a positive note the cistern installed on Bedford Road on the subdivision of David Bowen (Poteen Properties) was a successful endeavor from start to finish. It was installed by a man named Dick Sperry who was invited in to present a proposal to the Fire Department for installation of cisterns. Mr. Sperry has agreed to install a cistern for \$25,125.00 and Jim would like the Selectmen to entertain this proposal. The Selectmen had several questions which included shouldn't the land be deeded to the Town before construction begins, if the Town is to act as the general contractor would we be liable for on-job injuries, (Jim's response was that Mr. Sperry would be properly insured and he agreed to be bonded) another concern was if anything should happen to Mr. Sperry especially financially what position might the Town find itself in. All agreed that there would be questions that would have to be answered before the Town would assume such a responsibility. They did agree that it would be the developers responsibility to prepare the area for the cistern and bring in the crushed stone, then Mr. Sperry would install the cistern, and the developer would do the backfilling. Even this brought up the question of what might ^{be} should the cistern be damaged by the backfilling process. It was agreed that the idea would be reviewed.

Ronald Sizemore came in and requested some of the Selectmen's time to review his situation with regard to the issuance of a building permit for a steel building being erected on his homesite and now causing concern among the various boards as to whether further permits must be applied for by Mr. Sizemore before the building can be occupied. Mr. Sizemore is very upset by the current state of affairs and feels that his project is too far along and his investment too great for the Town to start asking questions which might cause him undue delay or even prevent him from using the building.

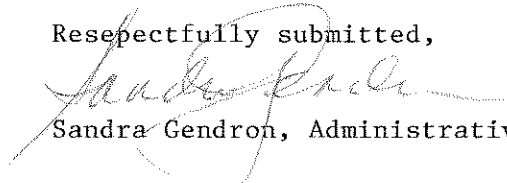
The Selectmen explained to Mr. Sizemore that they felt blame for this situation could be shared by all parties involved including Mr. Sizemore's neglect in talking to the various Boards personally. The Selectmen assured Mr. Sizemore that it was not anyone's intent that his project be stopped, but certain questions had to be answered and site review would be required as it was in all situations related to business endeavors. Mr. Sizemore felt this review would be prohibitively costly to him and since, in his opinion, nothing about his business situation was any different than it had been for several years, he saw no need to be subjected to such a review. It was the feeling of the Selectmen that the magnitude of the Sizemore project might not demand that an expensive engineering design be necessary to comply with the requirements of the site review. It was the suggestion of the Selectmen in the end, that Mr. Sizemore present his Letter of Intent, as he had been requested to do by the Office of the Selectmen, and further, that he contact the Planning Board personally to see what requirements he would have to meet. Mr. Sizemore left leaving the impression that he might not be happy, but that he would try to comply with what had been requested of him.

Selectman Dodge had investigated a complaint that blasting was taking place at the Byam Gravel Pit and was this a permitted procedure. Alan Brown, manager of the pit, met with Selectman Dodge on-site and the charges were set to blast what appeared to be boulders not ledge. The blasting of boulders was permitted. Mr. Brown agreed to assume any responsibility for problems that might be caused as a result of the blasting. A review of the sizemograph showed a measurement of 0.483" airwaves and groundwaves for concussion effect, this measurement being well below what is allowed. It was agreed that no more blasting would take place unless the Selectmen approved.

The Planning Board requested some input from the Selectmen with regard to the general concept of "community water systems." Selectman Dodge opposes any such notion and the Board as a whole agreed that the entire concept needs more legal review to investigate such concerns as the Town's liability and responsibility for such problems that might arise should the system be installed and problems develop several years down the road. The Selectmen also wondered if any more building permits should be issued unless proof could be shown that there was an adequate water supply for each unit. It was voted by the Selectmen that there concerns would be relayed to the Planning Board for their pursuit of the issue.

Checks were signed and mail reviewed with the meeting adjourned at approximately midnight.

Respectfully submitted,



Sandra Gendron, Administrative Assistant