

TOWN OF NOTTINGHAM
Selectmen's Workshop
August 8, 2011

7:02 PM, Chair Anderson opened the meeting and asked all those present to stand for the Pledge of Allegiance.

Members Present: Gary Anderson; Mary Bonser, Hal Rafter

Members Absent:

Guest: None

Others: Traci Chauvey, Recording Secretary; Gail Mills; Chris Mills; Judy Cole Baillargeon; Kip Baillargeon; Robert Ernst; Marianne Ernst; Helen Rossi; Donald Rossi; Gayle Williams; Evan Williams; Jim Ovens; Rae Christy; Robert Christy; Ed Kotowski; Donald Morel; Linda Morel; Lucien Morel; Liz Kotowski; John Andrade; Matt Eaton; Lee Bartlett; Al Ackermann; Helen Limperis; Chris Limperis; Eleanor Crow; Katherine Eaton; Judy Doughty; Therese Thompson; Sharon Symons; Patricia Farrington

EMERGENCY LANE STATUS OF RECENTLY RESCINDED ROADS: 3 SPURS ON BARDERRY LANE, UNION STREET, AND LAMPREY DRIVE

Chair Anderson explained to all those present that this evening would be dedicated to discussion around the three roads recently rescinded of emergency lane status. Ms. Bonser noted that she and Mr. Brown had traveled the roads in question. Chair Anderson, also, noted he had gone over to Union Street as he was unfamiliar with this one, in particular. He further explained Mr. Brown was not in attendance due to illness.

Motion: Bonser, second Rafter, to reinstate the repair and maintenance of the three spurs on Barderry Lane, Union Street, and Lamprey Drive that were approved in 1995 as emergency lanes under RSA 231:51-a.

Discussion: Ms. Bonser stated she had taken a ride up to Union Street with Mr. Brown. Prior to 1995 Rogier was referred to as Birch Street. She believes this is part of the issue with these roads. She noted that many of the roads that were designated in 1995 refer to lots of record or individuals homes, which help identify exactly what was being established. She indicated that both Rogier and Water are listed on the notice but that you cannot get from Water to Rogier without going over Union Street. She further stated that she thinks Union may have been considered part of Water Street in 1995. Mr. Rafter inquired as to whether there was a Union Street in 1995. Ms. Bonser did not know but feels it is clear that you cannot get to Rogier without going over Union Street. Chair Anderson interjected that this has been Mr. Brown's comment all along.

Moving on to Barderry Lane, Ms. Bonser read the 1995 notice, which states "Main trunk into Wharton." She noted the spurs are sequentially numbered and indicated they are part of the main trunk. She further noted that Mr. Fernald got his instructions from the 1995 meeting and these spurs have been maintained since that time. Mr. Rafter inquired as to where Wharton's is located on Barderry. Ms. Chauvey showed him a tax map; Wharton's is at the very end of Barderry. Ms. Bonser indicated it is clear, to her, from her conversations and observations with Mr. Brown that the spurs on Barderry were included in the 1995 designation.

Moving on to Lamprey Drive, Ms. Bonser read the notice, which states, "Dolloff Dam (Main

trunk into Paquette Map 70 Lot 24)." (Note: Map 70 Lot 24 is 28 Lamprey Drive.) She noted that Lamprey is also sequentially numbered and the designation would have included the spurs. There was confusion over the tax map and what really exists. Ms. Chauvey showed the selectmen a 9-1-1 map that she feels better reflects the current layout of the roads. Mr. Rafter asked if Lamprey was called Dolloff Dam in 1995. Ms. Bonser did not know. There was more discussion around paper roads and what really exists and is maintained. Acknowledged by Chair Anderson, Ms. Farrington went to the large map with Ms. Bonser. She stated that the town had insisted upon widening of the road in front of her home at 14 Lamprey Drive; however, it is not maintained. She informed the selectmen that on the spur of Lamprey, the road is maintained in front of the Deluca residence, the Ackermann residence, the Eaton residence, and the Zyla residence. Maintenance of the spur ends at 12 Lamprey where the highway crew circles a tree at the Kimball property. Ms. Farrington sat down and Chair Anderson asked Ms. Bonser to clarify what has been maintained. Ms. Bonser informed all that Lamprey Drive was supposed to form a loop, the loop was never developed and this created a spur. The town has maintained the spur in front of the homes of Deluca, Ackermann, Eaton and Zyla, then goes around a tree in front of the Kimball residence and comes back out. Ms. Mills interjected that no one in the audience could tell what is actually being talked about and maintained. Chair Anderson informed all that once it was settled, he would provide time for people to come forward and look at the map. Mr. Rafter asked Ms. Bonser to clarify for him, on the map, what has been maintained. Ms. Bonser and Mr. Rafter put their heads together over the map. Acknowledged by Chair Anderson, Mr. Ovens stepped up and informed the selectmen that some of the confusion with the maps and what actually exists is because some lots were never developed. The developer's plan shows a connecting road; however, lots 18 and 20 have not been developed and no road exists. More map review took place with Mr. Ovens and another resident. There was discussion around Mr. Ovens' branch of Lamprey Drive. Mr. Limperis informed the selectmen that the road crew turns around at his place on this branch of Lamprey. Mr. Rafter, referring to the 1995 notice, inquired as to whether the right hand branch is considered the main trunk. Ms. Bonser replied that she, Mr. Brown, and Mr. Fernald believe it is. Mr. Rafter read the notice, again, reiterating the main trunk into Paquette, noting this was specific and indicating the spur was not included. Mr. Anderson noted the developer had planned a loop, which was never developed.

Point of Order: Mr. Brown arrived at the meeting at 7:35 pm. At Ms. Bonser's inquiry, Mr. Brown stated the selectmen were here only to reinstate what was rescinded. He felt there was a lot of discussion taking place over the spur on Lamprey. He noted the highway crew goes in, circles around the tree, and comes back out. He asked the selectmen not to do anything more than take action on what was rescinded. He reminded them there should be no changes to anything this evening. He left the meeting at 7:37 pm.

Chair Anderson invited all to come forward to view the maps. Ms. Mills and Mr. Andrade stepped to the selectmen's table.

Point of Order: Ms. Chauvey could not hear the discussions taking place at the selectmen's table and informed the selectmen of this.

Chair Anderson asked Ms. Mills to have a seat at the table. Ms. Bonser brought the maps to her. Ms. Mills stated that Union Street appears to be a driveway. Ms. Bonser informed Ms. Mills they were only trying to establish what happened in 1995, not determine if it was right or wrong. Turning to the spurs on Barderry Lane, Ms. Mills inquired as to the house numbers. Residents provided some numbers, which are sequential with the rest of Barderry. Ms. Mills would like a

98 legal opinion of these spurs, as spurs one and two, again, appear to be a driveway. One resident
99 informed her there are seven houses on the spurs. Ms. Mills noted there are shared driveways in
100 Nottingham. Ms. Mills took her seat in the audience.

101
102 Ms. Bonser, again, reiterated that the selectmen were just trying to establish what was designated
103 in 1995, not whether these ways were rightfully designated. Ms. Mills asked how they could be
104 sure. Ms. Bonser and Chair Anderson feel they have received all kinds of input to support what
105 took place in 1995. Chair Anderson believes that 9-1-1 has much to do with the renaming of the
106 roads and has caused much of the problems they are addressing.

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108 Ms. Bonser **withdrew her previous motion**. Mr. Rafter **withdrew his previous second**.

109
110 **Motion:** Bonser, second Anderson to reinstate the repair and maintenance of the three spurs on
111 Barderry Lane, Union Street (between Water Street & Rogier), the spur of Lamprey (in front of
112 Map 70 Lots 4, 5, 6, 7, & circling around the tree at Lot 8 to turn around and come back out),
113 and the other branch of Lamprey (to and including M 70 L24) that were approved in 1995 as
114 emergency lanes under RSA 231:59-a.

115 Discussion: Referring to the 1995 notice, Mr. Rafter, again, noted that it specifically states,
116 "...in main trunk..." on the Dolloff Dam approval and does not refer to the branch. He feels
117 this is very specific. Ms. Bonser feels it is obvious the road was supposed to loop. Chair
118 Anderson acknowledged the lack of solid supporting data but agreed with Ms. Bonser. He read
119 comments made by Ms. Johnson at the July 18 meeting and believes others' comments and
120 recollections, which have been noted in the recent minutes, could be considered a record. It is
121 Mr. Rafter's opinion that, legally, that is a stretch. He feels that minutes and findings are the
122 official record of a board. Ms. Bonser and Chair Anderson feel that Mr. Fernald's recollection
123 and subsequent actions (i.e., maintaining these areas) indicate exactly what was approved.
124 Acknowledged by Chair Anderson, Ms. Mills shared an instance in the past where a former town
125 employee came before the selectmen with information and was informed the selectmen could not
126 act on hearsay. She feels a double standard is being followed. Ms. Bonser feels that each
127 instance stands on its own merits. Chair Anderson feels these combined comments, including
128 Mr. Fernald's, support the position that these lanes were designated. Acknowledged by Chair
129 Anderson, Ms. Mills noted she is not questioning the veracity of these individuals; however, the
130 law says written findings.

131 Chair Anderson called the vote.

132 **Vote:** Bonser, Anderson in favor. Rafter opposed. Motion passed: 2-1

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134 Having no further business,

135 **Motion:** Bonser, second Rafter to adjourn the meeting.

136 **Vote:** All in favor. Motion passed 3-0

137 Meeting adjourned at 8:04 PM.

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139 Respectfully submitted,

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143 Traci Chauvey
144 Recording Secretary

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146 **Approved as written at the September 12, 2011 meeting.**