

LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
April 21, 2021
Final

I. Call to Order:

Chairman Douglas called the meeting to order at 6:00 p.m.

II. Introduction of Members Present:

Chairman Fred Douglas, Selectman Mark Chamberlain, and Selectman Robert Howe
Town Administrator Russ Boland

Minute-taker Kathleen Humphreys via phone

Public & Media Present: Jessie Salisbury, Road Agent Mark Chase, Code Enforcement Officer/Building Inspector Leo Trudeau, Chris Brown, Gary Russell, Nat Emerson, Becca Emerson.

III. Appointments:

6:05pm: Proposed New Residential Driveways off Shared Highway Barn Driveway, 42 Locust Lane, Chris Brown (M-L 232-38) and Nat & Becca Emerson (M-L 232-037)

Property Owner Gary Russell was present, Lot 232-037 (*The Quarry Lot*)

Nat Emerson provided a little background: They wanted to move to the Monadnock area and were looking for something special when quarry lot captured their hearts and imagination. They realize this is a piece of history and envision a low impact house. The Emerson's want to have open communication and discuss what could or could not happen with the lot. Mr. Emerson is a historic carpenter and his wife is a flight attendant.

Mr. Emerson submitted the driveway permit application to the Road Agent on April 15, 2021. They are here to discuss a 30-foot wide easement in relation to what the driveway would look like if it was in that area.

Road Agent Chase explained where the property line exists for the Town Highway Department. He said there is a corner of the property with a non-contiguous lot line. He believed all the Town's equipment is on Town property except possibly some in the 30-foot easement. Currently, stone blocks the entrance to the quarry. He said the start of the driveway is over the lot line.

Mr. Emerson said they are not asking the Highway Department to move all their equipment. They would like to build the driveway soon to prevent re-growth and to get a good building site established.

Chairman Douglas asked why this property would need a driveway permit as it does come off a public way. There is a Right-of-Way (ROW) off Locus Lane for the Highway Garage

lot and the abutting property owners. He thought a driveway permit was for egress. T/A Boland explained there has been a long-established driveway off Locus Lane. The property which the easement passes over is owned by the property owner on the corner. The electrical poles for power would run along the easement.

It was discussed that the Fire Chief should inspect the driveway to ensure their equipment can assess the property. The grade and slope were discussed. Selectman Chamberlain said he walked it recently and it appears it's no more than a 12% grade. Selectman Howe asked if it would be in the easement or outside of what is being recorded. The possibility of a washout and who would be responsible for it was discussed. Mr. Emerson would like a proper driveway. There is not much mud there as it's mostly gravel.

Mr. Emerson said the Highway Department can continue storing equipment there, as long it does not prevent fire equipment access, as there is already a cell tower and not much curb appeal. He added, once you are up on the property, it is a nice piece of property. He inquired where the Highway Department would plow up to.

Chairman Douglas mentioned to the Road Agent that he was at the Highway Garage on Sunday and noticed the gate was not locked and has a concern about vandalism and theft. Mr. Chase said the gate is normally locked. It was discussed that the gate, which is on Town property, does not need to be moved. People can still turn-around and get sand while the gate does not affect the two landowners. At least two plows and a 750-gallon tank need to be removed.

Chairman Douglas asked Road Agent Chase to meet again with the landowners at the site. To document in photos the driveway location, both before and after, as well as list what will be removed from the site then meet with the Selectmen again.

Code Enforcement Officer Leo Trudeau asked about the easement and where it is. He suggested to hear from abutter Chris Brown and asked if it is the same easement for his property.

Selectman Chamberlain said he is in favor of not having a driveway permit because it is not going out to a public way and it's already established.

VOTE: Selectman Chamberlain made a motion not to require a driveway permit for Lot 232-037 because of the driveway in question already exists and access is over Town property and not a public way. Selectman Howe seconded. Motion passed 3-0.

Chris Brown regarding Map-Lot 232-038-000

Chris Brown was present. He is working with Fieldstone on this project who is asking if the Town would be agreeable to the driveway being relocated to a flatter area outside of the easement.

He has questions regarding the location of the easement and driveway slope requirement. The driveway is 490 feet of elevation. 478 feet from where it leaves the other driveway. There is 20 feet of elevation, which is 18% incline without touching anything.

The Driveway Regulations allow up to 18% slope for up a total of 35% of the driveway. Mr. Brown felt it would be close to that. Mr. Brown discussed cutting trees in the 30-foot easement area. Water issues could be address with a culvert or ditch line. Mr. Brown met with the forester and they plan to start logging near the end of May. The landing will be in their field.

Selectman Chamberlain said that is the only storage space the Highway Department has up there and they don't want to lose that but it would be an easier driveway. Road Agent Chase agreed. He added the ditch line stays good all year long and wonders if a swale could be used to get to the ditch line. The culvert belongs to the property owner. Mr. Brown said the property owner is not happy with this situation because she was not aware they would go across her property. She had the understanding the easement was for the Highway Garage only. In reading the deed, it's clearer. Mr. Brown realizes they need to stay within the easement. Chairman Douglas asked if ditch line was already in place and it was.

Code Enforcement Office Leo Trudeau read Section 5, Paragraph D regarding the slope regulations which should not exceed 12%. Special conditions allow for 18% but required a minimum of 3 inches of pavement and should not exceed 100 feet in any section. They discussed run-off on pavement vs gravel. Mr. Brown felt he should not be held to that especially in light the previous discussion regarding the abutting property. He added, the subdivision was created in 1989 before the driveway regulation's adoption. Selectman Chamberlain said that depends on which deed you read as they are written differently. He also added, this is a new driveway. The other discussion had an existing driveway. Mr. Brown felt he has access to the property regardless of if this becomes a driveway.

The Board again discussed the 18% grade with Mr. Brown. Selectman Chamberlain would like to see the engineering design for the driveway.

Mr. Brown would like to be ready to cut when the time comes. Selectman Chamberlain would like to see them stay in the easement.

The board discussed the downside of pavement and discussed legal implications.

It was agreed to get a legal opinion with NHMA. Chairman Douglas asked Mr. Brown to submit all documents, including all the deeds that go right back to the original subdivision. They will include the Town deeds in this discussion.

Chairman Douglas asked about the abutter who has a concern and asked if the logging can be done from an existing access point.

Mr. Brown left at 7:06 p.m.

IV. Community Forum and Public Comment:

Jessie Salisbury mentioned the Historical Society wanted to reserve the Center Hall in the Center for an open house at Community Day but the insurance became complicated because they are a private organization. She was wondering if the Historical District Commission could co-sponsor the event. T/A Boland will consult with PRIMEX.

V. Decision Making Actions:

a. Old Business

Class VI Road Policy Discussion

The Board reviewed the document and discussed revisions that included:

Addition: Under #2, added, "location of swales and other drainage"

F: "Location of underground utilities".

Update letters of agreement and fixing a few typos.

The Board discussed that when an applicant brings a Class VI road to Class V road standards, this upgrade needs to be maintained and the responsibility goes with the land. It was discussed any changes need to be recorded before a building permit is issued. It is important the document(s) are recorded so title companies can find the information.

The policy will be updated then reviewed again.

MEMO Group Re: Upper Purgatory Falls Clean-Up

The MEMO group would like to clean the Upper Falls on May 8, 2021. The Board was in agreement with the project.

Dedication of Boat Ramp Discussion

This will be discussed at the next meeting.

NRPC Circuit Rider Program

This topic will continue at the next meeting, after the Board members review the list of services from Nashua Regional Planning Commission (NRPC). Selectman Chamberlain will get an opinion from the Planning Board.

2021 Investment Policy Re-Adoption

VOTE: Selectman Howe moved, Selectman Chamberlain seconded to accept the policy with the changes to Appendix A & B. Motion passed 3-0.

b. New Business:

Nashua Regional Planning Electricity Supply Aggregation Renewal

Since being involved in the program, the Town saved over \$15,000.

VOTE Bob Howe moved, Selectman Chamberlain seconded to allow T/A to move forward accordingly to renew the Nashua Regional Planning Electricity Supply Aggregation. Motion passed 3-0.

Center Hall Needed Repairs to the Building Discussion

Greg Porter and Road Agent Chase looked at Center Hall. Concerns includes the windows, clapboards, shed roof and foundation repairs. There is only \$300 left in the building repair fund. After a discussion, it was agreed to have Leo Trudeau look at the repairs and submit a report of needed repairs.

c. Items not on Agenda:

None

VI. Town Administrator Report

The proposed guardrails near 650 Center Road were discussed. Road Agent Chase and Selectman Chamberlain met on-site and agreed that 425 linear feet would be required. Road Agent Chase will get a quote from CWS.

The fire truck recently damaged will be towed to the Lakes Region Fire Apparatus for repairs. This has been approved by Primex.

Governor Sununu dropped the mandatory mask mandate this week. The feeling of staff is to continue that policy within town buildings. The Board agreed and the policy will be reviewed as more data is available.

Eversource contacted T/A Boland regarding tree cutting at the EOC Garage. They wanted him to issue a blanket approval for all Town lands. The Board does not approve and felt they should be looked individually. Selectman Howe said there are a lot of big old Sugar Maple trees marked for removal on Curtis Brook Road. Chairman Douglas said he has a problem with the tree removal company cutting trees and leaving them in the roadway because if the landowner does not remove them they stay there.

The statute regarding the ownership of cut trees was discussed. The wood belongs to the landowner and cannot be taken without permission. There are issues with "wood pirates" in town.

The Planning Board will hold a public hearing regarding tree cutting on scenic roads during their May meeting.

A member of the Board of Selectmen needs to be appointed to the Historic District Commission.

VOTE: Selectman Howe moved, Chairman Douglas seconded to appoint Selectman Chamberlain as the Selectmen's Representative to Historic District Commission. Motion passed 3-0.

VII. Selectmen's Report

a. MACC Base Action & Agenda

The next meeting is April 26, 2021. T/A Boland will attend.

b. Transportation Committee

They will not meet in May.

c. Planning Board

On Monday, April 26, 2021, the Road Agent, Selectman Chamberlain and any Planning Board member that can attend will meet Sam Ingram from Meridian Land Services to review a proposed subdivision driveway because there are sight line concerns.

d. Heritage Commission

They meet next Friday. They will discuss the Welcome to Lyndeborough sign.

e. Safety Complex

No items to discuss.

VIII. Consent Agenda:

VOTE: Selectman Chamberlain moved, Selectman Howe seconded to accept the April 21, 2021 Consent Agenda. Motion passed 3-0. (see below)

IX. Information Items Requiring No Discussion

The Board discussed if the door to Citizens' Hall should be unlocked to allow the public access to the Town Offices but remain six-feet distance and require masks. T/A Boland said some employees have concerns and that no one was ever denied entry. T/A Boland will consult with staff and report back at the next Board of Selectmen's meeting.

Code Enforcement Office Leo Trudeau made a comment on driveway issue discussed above with Chris Brown that he feels he does not have to comply with current regulations for a driveway 1,000 feet long. He is uneasy about this.

X. Non-Public Session RSA 91-A:3 II (a, c & l)

VOTE: Selectman Howe moved, Selectman Chamberlain seconded to enter a non-public session at 8:16 p.m. All members voted yes. Motion passed 3-0.

VOTE: Selectman Chamberlain moved, Selectman Howe seconded to exit the non-public session at 9:00 p.m. All members voted yes. Motion passed 3-0.

VOTE: Selectman Chamberlain moved, Selectman Howe seconded to adjourn at 9:00 p.m. Motion passed 3-0.

XI. Adjournment:

All scheduled items having been addressed, the public meeting was adjourned at 9:00 p.m.

Next regular meeting: May 5, 2021 at Citizens' Hall at 6:00 p.m.

Kathleen Humphreys, Transcriber

Chairman Fred Douglas_____

Selectman Mark Chamberlain_____

Selectman Robert Howe_____

April 21, 2021 Consent Agenda

Item #	Item Title	Approved
1	AP Warrants – April 14 & April 21, 2021	Yes
2	Payroll Warrant – April 5 through April 18, 2021	Yes
3	Request to Endorse Reappointments Approved at April 7, 2021 Board of Selectmen’s Meeting: Raymond Humphreys, Charles Post, Robert, Rogers, John Pomer, Gregory Kreider, Louis Rota, & Stephanie Roper	Yes
4	Request to Approve Current Use Application 228-002-004 & 228-002-005 (Chrisenton)	Yes
5	Request to Approve Issuance of Excavation Yield Tax Levies & Warrants, Granite State Concrete (20-279-01E, 212-001 (M-L) & 20-279-02E, 213-006 (M-L))	Yes
6	Request to Approve Issuance of Excavation Yield Tax Levies & Warrants, Quinn Properties, LLC (20-279-03E, 238-022 (M-L) & 20-279-04E, 245-001 (M-L))	Yes
7	Request to Readopt Lyndeborough Investment Policy P-08-001.03	Yes
8	Board of Selectmen’s Public Meeting Minutes – April 7, 2021	Yes
9	Board of Selectmen’s Non-Public Meeting Minutes – April 7, 2021	Yes