

LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
May 19, 2021
Final

I. Call to Order:

Chairman Douglas called the meeting to order at 6:03 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 attended via phone

Public & Media Present: Jessie Salisbury, Town Clerk/Tax Collector Patricia Schultz, Building Inspector/Code Enforcement Officer Leo Trudeau, and Chris Brown.

III. Appointments:

6:05pm: Department Operations

TC/TC Patricia Schultz and T/A Russ Boland were present.

The Board and Town officials reviewed the current procedures for daily operations with the public in relation to moving forward after COVID-19 face covering mandates have been lifted and vaccinations are available. Currently, the door is locked. People can come into the office or leave items in the mailbox outside the building. Appointments are available. TC/TC Schultz said that people have been satisfied, understanding and she has not heard any complaints to her face.

The office looked at neighboring towns: Greenfield's door is unlocked with face masks suggested, New Boston's door is unlocked but facemasks are suggested, Temple unlocks their door with a limit of one person inside at a time, while Wilton is projected to open on June 1st but currently their door is locked.

The Board discussed options such as requiring face covering or limiting the number of people inside at a time. TC/TC Schultz said she is not going to confront people who do not wear a face mask.

Opening Purgatory Falls was also discussed. It was decided to table both discussions until the next Selectmen's meeting.

Chairman Douglas discussed a proposal to move the 'No Parking' signs to the east side of the road. He does not agree with this proposal because the cars are not able to get off the pavement. He explained instead of parking ticket, the police officer would also have to find the vehicle owner and issue a summons. The parking has been a problem there and is expected to get worse once the Purgatory Falls is reopened.

Leo Trudeau asked when the Planning Board can resume in-person meetings. Selectman Chamberlain said that after the emergency order is lifted, possibly this Friday, the Planning

Board would have to follow the RSA. A quorum of four (4) members in-person is required to make it an official meeting. Others can still be on the phone or via Zoom.

6:30 p.m. – Building Inspector Trudeau re: Well Location within Right-of-Way

Building Inspector/Code Enforcement Leo Trudeau was present

The Board discussed the ongoing issue about drinking water issues with protective radius.

COE Trudeau provided an exchange he had with Attorney Steven Buckley from NHMA with his response that stated, the Planning Board has every right to not approve a site plan review if the protective well radius is in the right-of-way (ROW).

The small lot on Mountain Road was discussed. The site plan has the physical location of the well to be within the town's right-of-way. Chairman Douglas, Selectman Chamberlain and Code Enforcement Officer Trudeau are uncomfortable with this. If this is allowed, it will set a precedent. It is within the ROW on the heaviest salted section of road in town.

The landowner did approach the Planning Board in regards to changing the plan for the house, which was a condition of the ZBA approval. Mr. Trudeau mentioned their permit expires on July 7, 2021 and he expected Mr. Kling to be seeking a new permit before then. Mr. Trudeau explained the landowner had an agreement with the ZBA but what he is proposing is difference in size and appearance. The ZBA approval, as seen in the minutes, was based on the drawing of the building that Mr. Kling presented at that meeting but what he presented to Mr. Trudeau was completely different.

Chairman Douglas wanted to clarify that Attorney Buckley meaning the Planning Board has the right to deny, not "shall" as he wanted to discuss the between "shall" and "may". Mr. Trudeau felt that the Planning Board would be justified to deny. Chairman Douglas mentioned that it does not say they "shall" and wanted clear direction with the language

Chairman Douglas has a concern if that well is approved and allowed to happen, and Town of Lyndeborough continues to maintain the road in the winter season by using sand and salt, there is no denying that is the heaviest salted area and freezes before other areas in town, and it gets contaminated, who is responsible.

Code Enforcement Officer Trudeau mentioned the well is in the right-of-way, that is more than the protective radius. In this location, the protective radius not only goes under Mountain Road, but across other people's lots. He said the DES does not consider this and they just look at the distance from the leach field of 75 feet. The well head will be just 7.5 feet from the road.

Builder Chris Brown mentioned the landowner can sign a Well Contamination Release Form with the Town. The Board is aware of this but Mr. Trudeau wonders if a judge would say, "Why did you allow this, even with a waiver like that when you knew it was the heaviest salted area in town and it was in the right-of-way". They discussed similar cases where the verbiage in Civil Law Suits was, "You should have known".

Chairman Douglas asked Selectman Chamberlain and Code Enforcement Officer Leo Trudeau to convey the serious concerns of the potential problems to the Planning Board.

The Selectmen and Code Enforcement Officer discussed the process and options with the current situation on Mountain Road. The Planning Board approved another site plan that has the well radius under the ROW, Danis on Forest Road/Winn Road.

Chris Brown re: Driveway Access, Map 232, Lot 28

This topic was discussed at the last meeting. Mr. Brown provided an update that last week Fieldstone Consultants laid out the driveway. He asked if there are any questions on this before they move forward with land clearing. There are stakes that indicate the corner and physical location of the easement. They intend to clear the entire easement, 30 feet for the driveway. Selectman Chamberlain asked if the intent was to clear the entire easement. Mr. Brown said only 30 feet for the driveway. Selectman Chamberlain said there are several valuable trees within that area according

Points discussed:

Ensure fire truck access.

Driveway engineering plan within drainage trenches.

Access to the sand pile.

The Town can't impede their access but can be on the easement.

Snow storage area. Discuss with Emerson. Also mentioned cell tower.

Dig Safe was mentioned

Conditions, rip-rap, dog walkers, bikers.

Discussion moved onto the temporary driveway permit on Map 232, Lot 42.

Chairman Douglas wanted to make sure that Mr. Brown, the Road Agent and Town Administrator are aware this is a temporary driveway for the logging operation and that the permit shall reflect this.

Road Agent Mark Chase will follow-up on the temporary permit. He showed photos of the stonewall, which will need to be wider to allow for logging truck access. The stonewall needs to be put back "in the manner that it was found" at the conclusion of the logging operation and documented with additional photographs. The conditions on the driveway will be documented. About 20 feet of the stonewall will need to be temporarily removed.

Fred asked if Chris Brown saw the conditions and asked if he is in agreement. The Board agreed to allow Chris Brown to proceed with the **TEMPORARY** driveway Permit.

IV. Community Forum and Public Comment:

Jessie Salisbury said she is officially back at work with the newspaper.

Mrs. Salisbury asked if the Highway Department could assist with the process to clean Memorial Park and remove the piles of gravel and sand left by the plow.

Decision Making Actions:

Old/Tabled Business:

Class VI Road Policy Discussion

The Board will review the policy.

MOU – Emerson Driveway, Map 232, Lot 036-000

T/A Boland will sign the document, which will be recorded after the Emerson's sign it. The residents provided the draft form. T/A Boland will highlight the Town's changes.

Dedication of Boat Ramp Update

The dedication is scheduled for May 30, 2021 at 1:00 p.m. at Putnam Pond Boat Ramp. The Lafayette Artillery will do a rifle salute. The information is on the Town's website.

Due to COVID, this year there will only be a Memorial Day Observance and not a parade.

b. New Business:

Selectman Chamberlain reported he had a conversation with the State regarding the railroad trestle improvement and was pleasantly surprised they are in favor of doing the crossing an alternative way, instead of fixing the trestle. The trestle would be removed and the road raised. This would be easier to plow, allow better emergency access and be safer for drivers. The other side of Glass Factory Road will also have the intersection improved.

c. Items not on Agenda:

Nothing

V. Town Administrator Report

As part of the Record Retention program, five bins of documents will be shredded.

Engineer cost estimates will be done for Center Road Phase 2 and Glass Factory Road grade crossing.

The MEMO group completed the clean-up on the Upper Falls. A thank you letter was sent from the Selectmen. Chairman Douglas thanked the Highway Department for their help both last year and this year. Mr. Chase showed photos of the truck full with trash bags.

T/A Boland reviewed the American Rescue Plan as of this date. Continued research will be needed to fully understand the program.

T/A Boland said they might need to have a special Selectmen's meeting to sign the Tax Warrant, possibly next Tuesday night.

Welfare Lien Relief. Map 247 lot 4

VOTE: Selectman Howe moved, Selectman Chamberlain seconded to authorize Chairman Douglas to sign off on the Welfare Lien Relief for Map 247, Lot 4. Motion passed 3-0.

VI. Selectmen's Report

a. MACC Base Action & Agenda

The meeting that was rescheduled for 9:00 a.m. tomorrow, May 20.

b. Transportation Committee

No meeting this month.

c. Planning Board

The meeting is May 20, 2021. The agenda has the continuation of a 2-lot subdivision on Mountain Road and Schoolhouse Road. The stakes are visible for the proposed driveway. Eversource will request tree trimming on scenic roads. The status of Accessory Dwelling units will be addressed based on an issue that came up with Sally Curran's ZBA hearing.

The zoning update for Accessory Dwellings was put in the wrong location and needs to be put back in the correct location it was taken out of a few years ago. This is a clerical error. The NRPC Circuit Rider will be discussed. There is an informal discussion for a lot-line adjustment on Pettingill Hill Road.

The Board discussed the tree cutting on scenic roads.

d. Heritage Commission

Next Friday is the annual Historical District Meeting in conjunction with an open house at the United Church.

e. Safety Complex

No items to discuss.

Consent Agenda:

VOTE: Selectman Howe moved, Selectman Chamberlain seconded to approve the Consent Agenda for May 19, 2021 contingent on all Board members signing off on all the documents. Motion passed 3-0.

VII. Information Items Requiring No Discussion

None

VIII. Non-Public Session RSA 91-A:3 II

None

Adjournment:

VOTE: Selectman Chamberlain moved, Selectman Howe seconded to adjourn at 7:54 p.m. Motion passed 3-0.

All scheduled items having been addressed, the public meeting was adjourned at 7:54 p.m.

Next regular meeting: June 2, 2021 at Citizens' Hall at 6:00 p.m.

Kathleen Humphreys, Transcriber

Chairman Fred Douglas

Selectman Mark Chamberlain

Selectman Robert Howe

May 19, 2021 Consent Agenda

Item #	Item Title	Approved
1	AP Warrants – April 28, May 6, May 12 & May 19, 2021	Yes
2	Payroll Warrant – May 3 through May 16, 2021	Yes
3	Request for Approval of Intent to Cut Application, Lavoie (21-279-04T) (Map-Lot 220-048-000) – Accessed Via Center Road	Yes
4	Request for Approval of Intent to Cut Application, Wilkins (21-279-05T) (206-015-000 & 206-026-000) – Accessed Via School House Road	Yes
5	Request for Approval of 2020 Tax Collector Abatement and Overpayment Refund, Masel (Map-Lot 202-003-000)	Yes
6	Request to Deny Charitable Exemption Application, Touchstone Farm (Map-Lot 230-016-000)	Yes
7	Request to Approve Solar Exemption Applications (21 applications, see attached list for details)	Yes
8	Request to Deny Elderly Exemption Application (2 applications, see attached cover memo for details)	Yes
9	Request to Approve Elderly Exemption Applications (2 application, see attached cover memo for details)	Yes
10	Request to Approve Veterans Tax Credit (1 Application, see attached cover memo for details)	Yes
11	Request to Deny Veterans Tax Credit (1 Application, see attached cover memo for details)	Yes
12	Standard Abatement Applications	Yes
13	Administrative Abatement Applications	Yes
14	Charitable Exemption Application	Yes
15	Board of Selectmen’s Public Meeting Minutes – April 21, 2021	Yes
16	Board of Selectmen’s Public Meeting Minutes – May 5, 2021	Yes
17	Board of Selectmen’s Non-Public Meeting Minutes – May 5, 2021	Yes
18	Board of Selectmen’s Public Meeting Minutes – May 12 2021	Yes
19	Board of Selectmen’s Non-Public Meeting Minutes – May 12, 2021 (Session 1)	Yes
20	Board of Selectmen’s Non-Public Meeting Minutes – May 12, 2021 (Second Session)	Yes

May 13, 2021

Lyndeborough Board of Selectmen Action Items

Re: 2021 Credit & Exemption Requests and Abatement Applications

Dear Members of the Board,

Attached are the 2021 applications for credits and exemptions, as well as 2020 abatement applications and administrative abatements for your review. My recommendations are as follows:

Solar Exemption Applications Recommended for Approval:

1. Kempton Rev. Trust, solar exemption, grant for 2021 (Map-Lot 228-005-000)
2. Thome Rev. Trust*, solar exemption, grant for 2021 (Map-Lot 230-015-000)
3. Guida, Christopher & Lyn*, solar exemption, grant for 2021 (Map-Lot 230-015-000)

The ownership of (Map-Lot 230-015-000) is split 50-50 between the Thome's (who have their 50% of the property in a trust) and the Guida's (who do not have their 50% in a trust). I spoke with DRA and they confirmed that home ownership in this configuration requires that each segment of ownership submit its own application and the segment that is in a trust must also submit a PA-33 (which they did). Despite the requirement of two applications on this one parcel this home will only receive a single exemption for its solar array (per DRA). Each application has had a notation written on it, with one indicating no assessment value.
4. Wolfson Trust, solar exemption, grant for 2021 (Map-Lot 215-018-000)

On this application Daniel Wolfson also applied for the All Veteran's Tax Credit that Lyndeborough has not adopted, and he also did not supply any of the required supporting documentation that is needed for a vet credit. Once the Board acts on this solar exemption I will advise him that if he wishes to apply for any of our adopted veteran's credits (and supplies the correct paperwork), he may do so next year. He will be listed in the veteran's tax credit section of the cover memo with a recommendation to deny, based on the optional credit not being available.
5. Marcy Stanton Trust, solar exemption, grant for 2021 (Map-Lot 226-010-000)
6. Holt Bros Orchard Partnership, solar exemption, grant for 2021 (Map-Lot 247-001-000)
7. Roper, Scott & Stephanie, solar exemption, grant for 2021 (Map-Lot 232-003-000)
8. Young, Michael, solar exemption, grant for 2021 (Map-Lot 232-017-000)
9. Kolesar, David & Jan, solar exemption, grant for 2021 (Map-Lot 247-016-002)
10. Geiger, Joel, solar exemption, grant for 2021 (Map-Lot 235-001-000)
11. Anthony, John & Donna, solar exemption, grant for 2021 (Map-Lot 234-035-000)

12. Mitchell Thomas, solar exemption, grant for 2021 (Map-Lot 246-003-000)
13. Schwartz, Marc, solar exemption, grant for 2021 (Map-Lot 231-001-000)
14. Coates, James Jr., solar exemption, grant for 2021 (Map-Lot 230-003-000)
15. Senior, Robert, solar exemption, grant for 2021 (Map-Lot 247-016-004)
16. Johnson, Joseph, solar exemption, grant for 2021 (Map-Lot 234-019-000)
17. Brooks, Phillip & Virginia, solar exemption, grant for 2021 (Map-Lot 240-009-000)
18. Chai, Yew & Christine, solar exemption, grant for 2021 (Map-Lot 235-014-000)
19. Berna, Kurt, solar exemption, grant for 2021 (Map-Lot 241-006-000)
20. Hayden, Robert, solar exemption, grant for 2021 (Map-Lot 225-031-000)
21. Brown Family Rev. Trust, solar exemption, grant for 2021 (Map-Lot 250-003-000)

Elderly Exemption Applications Recommended for Approval:

1. Keith Carman Map-Lot 233-011-000 elderly, grant for 2021
2. McEntee, Carolyn, Map-Lot 250-001-000 elderly exemption, grant for 2021

Elderly Exemption Applications Recommended for Denial:

1. Strube, Lorraine, Map-Lot 239-096-000 elderly exemption, deny for 2021 (over the income limit \$36,000)
2. Foote, Carol, Map-Lot 239-065-000 elderly exemption, deny for 2021 (refused to supply required supportive documentation)

Elderly & Disabled Tax Deferral Application Recommended for Denial:

1. Simmer, Betty, Map-Lot 239-087-000 elderly & disabled tax deferral, deny for 2021 (application is incomplete, no supporting documentation was supplied, requested for multiple years (which is incorrect). Multiple contact attempts were made and no reply was received).

Veterans' Tax Credit Application Recommended for Approval:

1. Herbert, Harry, Map-Lot 207-003-000 regular veteran's credit, grant for 2021

Veterans' Tax Credit Application Recommended for Denial:

1. Wolfson, Daniel, Map-Lot 215-018-000 All Veterans Tax Credit, deny for 2021 (Lyndeborough has not adopted the 'All Veterans Tax Credit' and supportive documentation was not supplied. See note on previous page).

Charitable Exemption Applications Recommended for Denial:

1. New England Forestry Foundation, Map-Lot 202-005-000 & 203-005-000 Charitable Exemption deny for 2021. Vacant land is not exempt (see application cover memo for further details).
2. Touchstone Farms, Map-Lot 230-016-000 Charitable Exemption, deny for 2021. Does not serve substantial, indefinite segment of general population (see application cover

memo for further details).

Standard Abatement Applications Recommended for Approval

1. Senior, Bob & Astrid, Map-Lot 247-016-004 standard abatement, grant for 2021 (see cover memo for further details).
2. Vanderhoof, John & Barbara, Map-Lot 239-074-000 standard abatement, grant for 2021 (see cover memo for further details).

Standard Abatement Applications Recommended for Denial

1. Dallas, Peter & Christine, Map-Lot 215-020-000 standard abatement, deny for 2021 (see cover memo for further details).
2. Mitchell, Thomas R. Trust, Map-Lot 246-005-000 standard abatement, deny for 2021 (see cover memo for further details).
3. St. Laurent, Shawn, Map-Lot 247-016-004 standard abatement, deny for 2021 (see cover memo for further details).

Administrative Abatement (Assessment or Other Errors) Recommended for Approval

4. Hubbard, Reed, Map-Lot 232-052-000 administrative abatement, grant for 2021 (change in lot condition, see cover memo for further details).
5. McGettigan, Dale & Deb, administrative abatement, grant for 2021 (change in site condition, see cover memo for further details).
6. Strube, Lorraine, administrative abatement, grant for 2021 (data and inspection errors, see cover memo for further details).

Please don't hesitate to contact me with questions.

Sincerely,

Todd Haywood, CNHA

Todd Haywood, CNHA
