

**APPROVED  
TOWN OF PELHAM  
BOARD OF SELECTMEN MEETING  
MINUTES  
November 15, 2016  
APPROVED – November 22, 2016**

**CALL TO ORDER** - approximately 6:30PM

**PRESENT:** Mr. Doug Viger, Mr. Hal Lynde (after the meeting commenced), Mr. William McDevitt, Ms. Amy Spencer, Mr. Paul Leonard (arrived after the meeting commenced), Town Administrator Brian McCarthy

**ABSENT:** None.

**PLEDGE OF ALLEGIANCE**

**MINUTES REVIEW**

**October 11, 2016**

**MOTION:** (McDevitt/Spencer) To approve the October 11, 2016 meeting minutes as amended.

**VOTE:** (3-0-0) The motion carried.

**October 25, 2016**

**MOTION:** (Spencer/McDevitt) To approve the October 25, 2016 meeting minutes as amended.

**VOTE:** (3-0-0) The motion carried.

**ANNOUNCEMENT**

- The Town of Pelham, NH 2016 Property Tax Rate has been set at \$20.95 per thousand dollars of property valuation, a decrease of \$2.31 (-11%) from 2015. The breakdown of the tax rate is: *Town Government* - \$6.02, a decrease of \$0.88; *Local Education* - \$11.62, a decrease of \$1.03, *State Education Tax* - \$2.082, a decrease of \$0.34; *County Tax* - \$1.23, a decrease of \$0.06.
- Festival of Trees – will be held in Sherburne Hall at 6 Village Green, Pelham, NH beginning November 25<sup>th</sup> through December 4<sup>th</sup> from 5pm to 9pm each day. Please stop in and participate in the Christmas Festivities and various events.
- Reminder – The Winter Parking Ban will be in effect December 1, 2016. The ban is as follows: *No person shall park a vehicle or permit such vehicle to be parked on any public street or highway between the hours of 12 midnight and 7AM during the period of December 1 to April 1 annually. Any vehicle found parked in violation of*

*this Ban shall be towed at the owner's expense. Your anticipated cooperation is greatly appreciated.*

- Public Hearing: Per RSA 36-A, the Board of Selectmen will be holding two public hearings regarding the proposed purchase of approximately 22 acres defined as Map 27 Lot 2-89, Gumpas Pond, located off Granite Drive, to be acquired for conservation purposes. The first Public Hearing will be held on November 22, 2016 at 6:45PM at the Pelham Elementary School Media Center located at 61 Marsh Road, Pelham, NH. The second Public Hearing will be held on December 6, 2016 at 6:45PM at Sherburne Hall, 6 Village Green, Pelham NH.

## **OPEN FORUM**

No one came forward.

## **APPOINTMENTS**

### **Health Officer Interviews: Brenda Eaves**

Ms. Brenda Eaves came forward to discuss her application for Health Officer. She provided a brief overview of her experience, and looked forward to expanding her involvement with the Town.

Mr. McDevitt noted there were occasional evening meetings of the Board of Health, which the Health Officer chaired. He questioned if she would be available to attend. Ms. Eaves replied she worked two nights per week, but would be able to adjust her schedule if needed. Mr. McDevitt asked if she would be available for occasional daytime inspections. Ms. Eaves answered yes.

Mr. Leonard arrived.

Ms. Spencer wanted to know if there was anything in Ms. Eaves background training or education that would make her well suited to handle an emergency health situation. Ms. Eaves replied she would use her experience as a nurse and work with the State to communicate necessary information to residents.

The Board had two applications to consider and felt it would be beneficial to have a non-public discussion.

The Board thanked Ms. Eaves for coming forward.

### **Discussion - Susan & Mark Hilbert in reference to hardship letter/purchase of Map 24 Lots 12-76 & 12-77**

Ms. Hilbert told the Board they would like the opportunity to purchase the property that was closest to their existing property. She noted they had a very small lot within the dense neighborhood. Mr. Viger understood that the property being discussed was the same property that had been in discussion with the Board, as brought forward by Attorney Pat Panciocco (*see previous meetings and the following discussion*).

Using a plot plan, Ms. Hilbert showed the Board the location of their existing lot and the proximity to the lots they would like to purchase. Ms. Spencer asked what route of access they would use to the proposed lots. Ms. Hilbert stated there was an existing paper road (3<sup>rd</sup> street) that went through the

86 properties. Ms. Spencer questioned if there were any obstructions on the paper road. Mr. Hilbert  
87 answered no. Ms. Hilbert explained the area contained a lot of coffee lots and the paper roads were  
88 used for access to back lots. She said they were looking to add open space to their property. In  
89 reviewing the plot plan, Ms. Spencer saw what thought might be a patio or structure in the paper road.  
90 Mr. Hilbert believed the previous owner had a platform and chairs in the referenced location. He was  
91 unsure what the mark on the plan indicated. Mr. Hilbert told the Board that the area had been under  
92 litigation, which started as a dock dispute, and they had been going to court. He said the Town came  
93 in and claimed the beach. He noted he had a Declaration of Trust (written in 1930). He briefly  
94 discussed how the area had evolved over the years. Mr. Hilbert stated throughout the years people  
95 had the opportunity to expand, but he didn't have that opportunity. He felt that the recent proposal  
96 from Attorney Panciocco would take away their pertinence. He said although they don't abut the  
97 paper roads, they were originally pertinent to them. He noted they were waiting for a mediation date  
98 and planned on opposing the proposal. Ms. Spencer questioned if the extermination of the easement  
99 was the issue currently in litigation. Ms. Hilbert replied the issue was the public access being  
100 exterminated. Mr. Hilbert explained the original Declaration of Trust (was written in a French land  
101 law format) said they were pertinent and privileged to funds and property; the whole 25 acre parcel  
102 was divided into five sections. Two sections were developed, the remaining three were not; however,  
103 Mr. Hilbert understood they were pertinent to the property meaning part owner of it all. Ms. Spencer  
104 understood a 'pertinent' was an easement (the right to use), and not part ownership. Mr. Hilbert said  
105 'pertinence' meant they belonged to it. Mr. McDevitt said they didn't pay taxes on it, so it was  
106 probably a 'right to use' rather than 'ownership'.  
107

108 Mr. Hilbert stated the Judge requested that everyone get together and make a decision. He said  
109 Attorney Panciocco wrote a proposal that took privileges away from those who didn't abut the paper  
110 roads. He believed the group of people the attorney represented abutted the paper road.  
111

112 In not being privy to the relationship between the litigation and the proposal, Ms. Spencer felt the  
113 Board should educate themselves further before placing an article on the warrant. She believed there  
114 was information they needed to have prior to taking further action. Mr. Lynde believed the Board  
115 received a letter from Town Counsel. Ms. Spencer requested that the Board not discuss the letter at  
116 this time.  
117

118 Mr. Leonard felt it would behoove the Board to conduct additional research before moving forward.  
119

120 Mr. McDevitt saw that Attorney Panciocco was seated in the audience (for the next agenda item). He  
121 suggested the Board also hear from her.  
122

123 Mr. Viger stated originally the Board was going to sell the lots directly to the Nortons, they later  
124 discussed selling the lots through sealed bids. Based on the new information of there being a  
125 currently pending lawsuit, Ms. Spencer moved away from selling the lots by sealed bids on the  
126 warrant. She reiterated her feeling that the Board needed more information. Mr. Hilbert said they  
127 were told to write down what they were seeking so they could have a discussion with the other  
128 groups; the community broke into three parties when the dock dispute started in 2013.  
129

130 Mr. Viger stated that the Board understood the Hilbert's hardship with parking. Mr. Hilbert believed  
131 if Attorney Panciocco's proposal went through it would restrict them as well as other people who  
132 would have used the paper roads as parking spots. Ms. Spencer asked for the case number and  
133 questioned what court the case was currently pending in. Ms. Hilbert replied it was in Hillsborough  
134 County Superior Court in Manchester (North Division).  
135

## BOARD OF SELECTMEN MEETING/November 15, 2016

Mr. Viger felt the Board had a good idea of the Hilbert's concerns and would continue to hear from Attorney Panciocco. Ms. Spencer noted that the Board could decide not to sell at this time and possibly have something on next year's warrant. Mr. Lynde said the Board have until January for this year's warrant. Mr. McDevitt commented that they could still decide to sell the land. Mr. Viger said if there was an issue it wouldn't involve the Town and would be a civil issue. There was further discussion regarding the situation and the issues in the area.

Mr. Viger thanked the Hilberts for their input.

### **Discussion – Attorney Pat Panciocco / Norton Family in reference to the purchase of Map 24 Lots 12-76 & 12-77**

Attorney Panciocco was seated in the audience for a portion of the previous agenda item discussion involving the same lots she submitted a proposal. She asked to be brought up to speed and have the opportunity to correct the record if needed. Mr. Viger didn't feel she missed anything; the Hilberts brought forward their own concern to purchase the property. Mr. McCarthy noted he provided Attorney Panciocco with a copy of the letter submitted by the Hilberts.

Attorney Panciocco explained her clients had done a survey of the property they owned and wasn't aware that the Board would want to see backup information/confirmation of certain underground improvements. After the last Selectmen's meeting she spoke with Mr. McCarthy, who suggested they add that information. Mr. Viger replied this was the first meeting the Board was reviewing the information. Using a plot plan, Attorney Panciocco showed that the septic system for Lot 12-80 encroached into the right-of-way and had well line and electrical line that extended into a back lot. Lot 24-12-81 had a septic tank under the deck; it was unknown if they had a leach field. She noted that her client had bought their lots from the original purchaser who bought the lots from the original developer. She said they were original structures built prior to zoning. When looking into purchasing the two lots, she said her client was trying to act proactively, knowing that the leach fields for the existing (original) structures will need to be replaced at some point. Attorney Panciocco said more importantly, if someone different were to purchase the two lots, they would drive down the paper road over the septic system, which they would have the right to do because the two lots had access rights for the full width of 3<sup>rd</sup> Street. In approaching the Town to purchase the two lots, since they don't abut anyone else's property, her client was looking to protect their resources to serve the properties they presently owned. She discussed the concerns of protecting the environment and the water shed. She noted that they had agreed to pay the Town \$9,000 for the properties with the restriction that there not be above-ground unnatural improvements (including parking). Attorney Panciocco felt the additional information was important because of another property being purchased (through separate discussion) when there was a hardship. She didn't know if that other property was being held to the same standard as her client had produced to show (for sure) that improvements existed. She said they had gone above and beyond to provide the Board with everything they had.

Mr. Viger made a distinction between the property being discussed and another property considered by the Board, which were two separate cases. He said there was no particular hardship on the proposed property that required access by a particular abutter due to septic or wells. He felt it was a stretch to compare the two properties. Mr. Viger questioned if, other than the paper road, there was anything associated with the other buildings on the property. Attorney Panciocco said there was nothing from her client's property. She stated that the two lots owned by the Town had a pertinent to use the full width of 3<sup>rd</sup> Street for access, which included exposing the improvements that encroached (in the paper street) that could be damaged by vehicular traffic. Mr. Viger understood she was speaking of a potential hardship; if the Town decided not to sell the property her clients would still

186 have access to everything they owned. He stated the proposal being discussed was separate from  
187 another property the Selectmen were considering. He saw no similarity between the two.  
188

189 Ms. Spencer noted the difference between the proposal and another case considered by the Board. In  
190 the other case the individual's septic system was on the Town-owned property they were seeking to  
191 purchase. She learned earlier in the meeting there was a pending lawsuit and wanted to know why it  
192 wasn't brought to the Board's attention along with the original proposal and Attorney Panciocco's  
193 view on what impact (if any) the lawsuit had on a potential sale and what impact the potential sale  
194 had on the lawsuit. Attorney Panciocco explained that there were more than 500 lots were created by  
195 a land trust plan in 1928 that were very tiny, most being 20ft.x40ft. She said they followed a form to  
196 write the trust and sold the lots, half of which were never sold or developed. In reference to the  
197 lawsuit, Attorney Panciocco said when the 500 lots were laid out, they had a main road called Little  
198 Island Park (30ft. wide), which intersects with Honor Roll (formerly 2<sup>nd</sup> street); off the main road  
199 were 20ft. wide fingers that have never been developed as roads. She said the law regarding to paper  
200 street layouts had changed over the years. She said as the law stands now if a road is discontinued  
201 (depending on the date of the plan) the selectmen have to release the public rights; in this case the  
202 'fingers' never made it to zoning and in 1948 were already twenty years old and remained unbuilt.  
203 The fact that they were shown on a plan showed a dedication to public travel. Attorney Panciocco  
204 told the Board when the issue came up about the beach, the main road, docks etc. the Department of  
205 Environmental Services ('DES') started an enforcement action. She said the main point was that the  
206 500 lots didn't have an express common interest, undivided, in the area used as the beach contained in  
207 their deed; it was implied. DES didn't accept the implied right and wanted it to be written in the  
208 deed. Attorney Panciocco explained because the Town doesn't assess the 'fingers' and since 10ft  
209 would be a lot of land for the small lots, they asked the Superior Court to confirm that the public  
210 rights had lapsed under the Statute. This would allow the 'fingers' (strips of land) to be divided  
211 (down the center) and added to the individual lots having frontage. She noted that the Hilberts had  
212 frontage on Little Island Park, which was the main access road for all the property owners. She told  
213 the Board they went to the Superior Court over year and half ago, and through the process the Town  
214 was named in the lawsuit. She didn't know who from the Town was involved other than Town  
215 Counsel who indicated they didn't want the Town spending any money in the process, or assuming  
216 any liability. Attorney Panciocco noted Little Island Park was privately maintained. She noted there  
217 were certain properties that had structures obstructing access and when residents asked the Town to  
218 review the situation, the Town responded that they had no jurisdiction because the road was private.  
219 She felt there was a disconnect for the Town to now show an interest in the roads.  
220

221 Ms. Spencer took issue with the notion about 'jurisdiction'; the property is located within the Town,  
222 and the Town has not waived its right to the land or any possible private right of access over any  
223 paper street that exists or the right to be actively involved with the process. She stated the issue was  
224 not whether or not the Town wanted to be active in the lawsuit. The issue is the Town's interest (as a  
225 land owner and municipality) in the property and paper street being discussed. Attorney Panciocco  
226 replied the residents had asked for the Town's assistance and been told they couldn't help as it was a  
227 private street. She understood that point wasn't pertinent to the discussion at this time.  
228

229 Mr. Leonard spoke to jurisdiction of the Town. He stated it might be a private road, but it was still  
230 within the jurisdiction of the Code Enforcement Officer and Planning Department to be able to guide  
231 and rule and correct if necessary. With regard to hardship, he didn't feel anyone on the street could  
232 claim hardship if they had knowingly and willingly encroaching upon a paper street or right-of-way.  
233

234 Mr. Lynde understood that the paper street didn't exist anymore and the abutters owned the property.  
235 Ms. Spencer replied there were rights. Mr. Lynde said there was a right-of-way. Mr. Viger stated  
236 those were civil rights and an easement wouldn't affect the Board's decision. He said if the Town

## BOARD OF SELECTMEN MEETING/November 15, 2016

237 sold the property the right-of-way wasn't the Town's issue. Attorney Panciocco agreed. The  
238 discussion reinforced Mr. Leonard's concern (from the last meeting) about increasing abutter  
239 awareness regarding the sale of land. He believed it warranted further research prior to drafting  
240 warrant articles. He said they were in a situation of a lawsuit amongst property owners and  
241 questioned if the Board would take action on something that could multiply. Mr. Viger felt having  
242 the property on a warrant would be enough information to let abutters know what was going on. Mr.  
243 Leonard believed they had sufficient time to exercise due diligence and conduct research. Ms.  
244 Spencer agreed the Board should do so, but wasn't prepared to commit to having a warrant article.

245  
246 Attorney Panciocco told the Board that the access rights over 3<sup>rd</sup> Street are tied specifically to the  
247 Town-owned lots. She stated those rights did not extend to other people in the development. She  
248 encouraged the Board to speak to Town Counsel regarding such. She noted that the public rights over  
249 the roads (Little Island Park and the 'fingers') are gone except for the main access road. She stated  
250 there were no public rights within the 20ft. wide rights-of-way, except for one stretch that served an  
251 abutter on 1<sup>st</sup> street, which was unrelated to the discussion. Attorney Panciocco informed there were  
252 two court orders that were signed and registered at the Registry of Deeds; the appeal periods have  
253 passed. She offered to provide the Town with all the pleadings. She said the litigation continued, but  
254 the issues have no bearing on the roads.

255  
256 Ms. Spencer understood there were three interested parties in the lawsuit. Attorney Panciocco replied  
257 every person owning property within the 500 lot subdivision was named. Ms. Spencer said the  
258 conversation dealt with the private rights to travel across the paper streets and felt the Board needed  
259 further education regarding such. Mr. Lynde understood that the paper streets at some point in time  
260 ceased to be a street because the period of time passed for it to be developed; when that happens the  
261 property divides equally between the abutting properties. Attorney Panciocco replied that was  
262 correct. Mr. Lynde added when that occurs, it didn't extinguish the rights of those people who had  
263 access to the road and at the same time wouldn't give access to someone who wouldn't normally have  
264 access to the street. Attorney Panciocco agreed. Ms. Spencer pointed out there were two different  
265 types of rights at issue. It was noted that the Hilberts currently didn't have rights to the paper street,  
266 but if they acquired the Town-owned property they would then have access rights.

267  
268 Mr. McDevitt questioned when Attorney Panciocco's clients acquired Lots 78 and 81. Attorney  
269 Panciocco didn't have the deeds with her, but believed most of it was in the early 1990's; however  
270 one of the houses was acquired in 2012. Mr. McDevitt felt it was hard for someone to claim a  
271 hardship if they should have known the condition of the road and if there were structures on, or under  
272 it. Mr. Viger commented the initial application wasn't a hardship. Attorney Panciocco replied her  
273 use of 'hardship' wasn't in relation to the term known in the zoning context. She used it to bring out  
274 the fact that there were improvements associated with property her client owned that could be  
275 substantially damaged by vehicular traffic. When her client purchased the property they didn't know  
276 where the leach field was located; they learned about it afterwards.

277  
278 Mr. Lynde wanted to know if there was any benefit for the property owners to have a portion of the  
279 land to serve in the event the septic system failed. Mr. Viger didn't feel that was a direction to go in  
280 at this time.

281  
282 Mr. Viger appreciated the information brought forward and said the Selectmen would seek counsel's  
283 advice based on Attorney Panciocco's request. Ms. Spencer felt it would be helpful for the Board and  
284 Town Counsel to have the full set of pleading.

285  
286 Mr. Viger reiterated that the Board would review and discuss the requests. He asked Mr. McCarthy  
287 to notify the Hilberts of any future discussions.

**Discussion – Police Chief Joseph Roark – Proposed animal shelter project follow up.**

Chief Roark told the Board they started a preliminary investigation as to what it would take to move the current animal control shelter from its present location on Simpson Mill Road or whether it would be best to keep it there. He said it was currently in the 2018 Capital Improvement Plan. The latest number was \$274,709 for a basic design. The Board was provided with a proposed floor plan based on the current Hudson, NH shelter. He reviewed the key points of the design and stressed the importance to have a separation of cats and dogs and a quarantine area. The locations reviewed were the current location, Raymond Park, Transfer Station and behind the Police Station. The following were considered: 1) citizen access, 2) efficiency, 3) security, 4) water source, 5) tax abatement, 6) covenant compliance, and 7) proximity to neighbors. With all the considerations, Chief Roark preferred the animal control shelter to be located at the rear of the Police station.

Mr. Leonard spoke about the benefits of having the shelter at the Police station specifically the cost savings of tying into the water source and septic. He said they may also be able to eliminate the porta-potty at Lyons Park and have an outside restroom (similar to a service station) that would be a community benefit. He felt the proposal was moving in the right direction and ground to gain by pricing it out and getting an official bid. Based on the CIP being 2018, Chief Roark agreed they should hire an architect to provide a hard number to be put out to bid. Mr. Viger felt for 2017 the Board should choose a location and plan for 2018.

Ms. Spencer believed having the shelter in more central location would be beneficial, and given the information provided, was prepared to support locating it behind the Police station.

Mr. Lynde wanted to know where the shelter would be located at the Transfer Station. Chief Roark didn't feel there was room at the Transfer Station, but rather it would probably be just outside of left field at the softball park. He explained the facility wouldn't be simply a dog pound, they wanted to hold the rabies and microchip clinics at the building. He said they also wanted children to be able to get community service hours for helping to care for the animals. They wanted the facility to be part of the Town through the services they provided. Mr. Lynde questioned if the estimate included the cost for a water connection or well. Chief Roark believed there was a number for utilities, but was unsure if water connection was included in site work, since when they requested the estimate they didn't know where the facility would be located. Mr. Lynde inquired if the Town was obligated to demolish the existing kennel. Mr. Viger replied the animal rescue league may be willing to take the building over. Chief Roark felt any rescue league would be interested in the building. Mr. Lynde understood that the Fish & Game Club received a tax abatement because the Town's dog pound was located on their land. He noted the Town would no longer be obligated to give an abatement if the dog pound was moved.

Mr. McDevitt said his initial concern with having the facility at the Police station was noise from dogs barking, which he felt was alleviated by the Chief. Chief Roark replied the dogs weren't outside at night; if they barked they would be inside. Mr. McDevitt understood the need for a wash area, but questioned why a bath and shower were needed. Chief Roark felt if the public was invited to a facility they needed a bathroom. He believed the only shower was located outside. It was noted that facility could tie into the existing septic.

Mr. Viger pointed out that the proposal was a conceptual design that would be fine-tuned. He asked if the Board agreed to the location behind the Police station. There was no objection. Mr. Viger questioned where to get funding for the designs to move forward for 2018. Mr. McCarthy suggested

it come from the Town Buildings budget. Mr. Viger believed conceptual drawings were relatively inexpensive.

Mr. Lynde questioned if there should be public access to the building from Lyons Park. Mr. Leonard believed there was an opportunity to explore the idea. He suggested exploring the possibility of having an outside bathroom, similar to a gas station that's unlocked on weekends by the Recreation Department to serve the community.

Mr. Viger asked Chief Roark to work with Mr. McCarthy regarding conceptual drawings. Chief Roark said he would. He noted his budget may have funds available at the end of the year. He asked to also conduct a formal surveying of the area as part of the conceptual. Mr. McCarthy believed the Town may have a set of plans to refer to.

**Planning Director Jeff Gowan – Highway Safety Committee Recommendations**

Planning Director Jeff Gowan reviewed letters of recommendation submitted to the Board from the Highway Safety Committee ('HSC')

- 1) Citizen request for streetlight at or near 682 Mammoth Road – HSC voted unanimously to recommend the placement of the light, with the understanding the Town would have no obligation for the electrical service. The resident indicated they would feel safer, although the HSC wasn't convinced that adding a light would lend to a safety improvement. Mr. Lynde discussed lighting and voiced a personal problem with streetlights creating a visibility hazard with rain and snow. He didn't see the benefit to the Town of a resident illuminating their driveway. Ms. Spencer wanted to know the cost of installing a streetlight. Mr. Gowan believed the initial cost wasn't significant, it was the ongoing maintenance. Mr. McDevitt preferred for the HSC to grapple with the issues and have a recommendation based on evidence rather than simply a citizen request. He said a street light wouldn't only light up the end of a driveway, it would light up the whole neighborhood. He said unless there was a danger to the public, other than a perceived danger, he didn't see the value in installing a light. Mr. Gowan noted that the HSC concurred they anticipated no significant safety improvement as a result of installing a street light. Mr. Leonard recalled the Board discussing creating criteria for installing streetlights, and was in favor of tabling the request at this time. Ms. Spencer questioned if the resident provided details of their safety concerns. Mr. Gowan replied they received a written citizen request, they didn't personally meet.

**MOTION:** (McDevitt/Lynde) To deny the request for a street light.

**VOTE:** (5-0-0) The motion carried.

- 2) Discontinuance of Surrey Lane cul-de-sac wing. Town Counsel has advised to have a question on the ballot to formally discontinue the wing. Mr. Gowan told the Board that the cul-de-sac was no longer there, it was part of the abutting party's lawn. He said when it was platted it was obvious the wings were considered to be temporary.

**MOTION:** (Lynde/McDevitt) To approve the discontinuance of the Surrey Lane cul-de-sac wing.

**VOTE:** (5-0-0) The motion carried.

Mr. McCarthy noted Town Counsel was already working on warrant article language. Mr. Gowan will follow up with Town Counsel.

- 382  
383 3) Relocation of the St. Patrick's digital speed limit signs. Mr. Gowan stated Police Chief  
384 Roark would like to repurpose the signs now that the school was not active. Mr. McDevitt  
385 asked that the Chief remain cognizant of the placement, given that flashing lights may be a  
386 nuisance. Mr. Leonard felt there may be a benefit to placing one of the signs near the Hobbs  
387 Community Center. Police Chief Roark came forward for the discussion. He would like to  
388 locate one of the signs on Dutton Road heading outbound. His thought for the other sign was  
389 outbound on Nashua Road. He told the Board he would come back in front of them with a  
390 final placement. He noted the signs wouldn't flash yellow, they would just have the speed or  
391 a flash 'slow down'.  
392

**MOTION:** (McDevitt/Leonard) To authorize Police Chief Roark to locate the digital speed  
sign where he felt appropriate, providing he meet with the Selectmen prior to doing  
so.

**VOTE:** (5-0-0) The motion carried.

393  
394  
395 **OTHER BUSINESS**  
396

397 **Review – Warrant articles for the Gleason and Coffee Lot properties**  
398

399 Based on the earlier discussion this item was deferred.  
400

401 **Discussion – Sherburne Road / Spaulding Hill Road water**  
402

403 Mr. McDevitt said he met with a group of residents from the Sherburne Road / Spaulding Hill Road  
404 area, with the intent of having Charlie Head of Sanborn Head (hydrogeologist) make the same  
405 presentation given to the Planning Board. He commented it was a difficult meeting and although  
406 people remained polite, it was clear there was a great deal of anger. He believed there was an  
407 expectation of the residents that the Planning Board needed to be more proactive in constraining  
408 development in the area or making certain there was water available. In the end, Mr. McDevitt put  
409 together a series of questions that were sent on to Mr. Head, and read aloud a few of them. He noted  
410 Mr. Head had just returned a memo to the Selectmen for review. He believed the Board should have  
411 a discussion and take a position. He then asked permission to forward Mr. Head's letter to interested  
412 residents. Mr. Viger suggested sending the letter to everyone who provided their e-mail address  
413 and/or attended the meeting. There was no objection.  
414

415 It was Ms. Spencer's personal view if the Town was going to continue to approve development and  
416 new homes, they should try to work with the residents to come up with a workable solution. Mr.  
417 McDevitt discussed some possible solutions. Mr. Lynde was concerned that the current Town  
418 requirements being inadequate to prevent situations and felt they needed to find a way to make them  
419 adequate. He believed they could establish basic requirements to demonstrate the ability to supply  
420 sufficient water. Mr. Viger stated they needed to remain cognizant of the Planning Board's purview.  
421 Mr. Lynde suggested the Board of Health could revisit the Well Ordinance.  
422

423 Mr. Viger confirmed that Mr. McDevitt would send the interested residents a copy of Mr. Head's  
424 letter. He said the Board could discuss the topic at more detail during their next meeting.  
425

426 **TOWN ADMINISTRATOR / SELECTMEN REPORTS**  
427

BOARD OF SELECTMEN MEETING/November 15, 2016

Mr. Leonard reported there was an upcoming Elderly Exemption meeting December 8, 2016.

Mr. Lynde noted he had typographical corrections to the meeting minutes reviewed earlier in the meeting. He provided a copy of his corrections to the recording secretary. The Board considered the corrections as 'friendly amendments'.

**REQUEST FOR NON-PUBLIC SESSION**

**MOTION:** (Leonard/Spencer) Request for a non-public session per RSA 91-A:3,II, d  
(Consideration of acquisition, sale or lease of property)

**ROLL** Mr. Viger-Yes; Mr. Lynde-Yes, Mr. McDevitt-Yes; Ms. Spencer-Yes;  
**CALL:** Mr. Leonard-Yes

It was noted that when the Board returned, after the non-public session, the Board would not take any other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the meeting. The Board entered into a non-public session at approximately 8:59pm.

The Board returned to public session at approximately 9:04pm.

No motion was made to seal the non-public meeting minutes.

**ADJOURNMENT**

**MOTION:** (Lynde/McDevitt) To return to public session and adjourn the meeting.

**VOTE:** (5-0-0) The motion carried.

The meeting was adjourned at approximately 9:04pm.

Respectfully submitted,  
Charity A. Landry  
Recording Secretary