

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN MEETING
MINUTES
December 9, 2014
APPROVED – December 23, 2014

CALL TO ORDER - approximately 6:00PM

PRESENT: Mr. Edmund Gleason, Mr. William McDevitt, Mr. Hal Lynde, Mr. Doug Viger, Mr. Robert Haverty (arrived after non-public session), Town
ABSENT: Administrator Brian McCarthy

None

REQUEST FOR NON-PUBLIC SESSION(S)

MOTION: (Viger/McDevitt) Request for a non-public session per RSA 91-A:3,II, a
(Personnel)

VOTE: (4-0-0) The motion carried.

It was noted that when the Board returned, after the non-public session, the Board would then take up the items on the agenda and conduct their public meeting. The Board entered into a non-public session at approximately 6:00pm.

The Board returned to public session at approximately 6:50PM.

Mr. Haverty arrived.

MOTION: (Lynde/McDevitt) To seal the minutes of the non-public session of December 9, 2014 indefinitely.

VOTE: (4-0-1) The motion carried. Mr. Haverty abstained as he was not present for the non-public session.

PLEDGE OF ALLEGIANCE

MINUTES REVIEW

November 18, 2014

MOTION: (Viger/Haverty) To approve the November 18, 2014 meeting minutes as amended.

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

ANNOUNCEMENTS

- **The Pelham Board of Selectmen will hold a public hearing on December 23, 2014 at 6:45pm in Sherburne Hall, 6 Village Green, Pelham New Hampshire to consider acceptance of the extension of Lawrence Corner Road within Lawrence Corner Estates as a Class V public highway in accordance with RSA 674:40a.**

OPEN FORUM

No one came forward to address the Board.

APPOINTMENT(S):

Jeff Gowan, Planning Director:

- VHB Flood Study Update
- Discussion of Massachusetts Small MS4 General Permit Hearing
- Hillcrest Lane Release of Bond
- Driveway Permit Application, Hildreth Street, Pelham/Dracut line: Map 40 Lot 160

VHB Flood Study Update

Mr. Gowan spoke of the work being done within the Town and noted VHB was in their second phase of the flood study. The Town has engaged Quantum Engineering to do a bridge design for Willow Street and Abbott Bridge. These bridges will be funded through the State Bridge Aid, from which the Town will be responsible for 20% of the cost. At the same time, the Department of Transportation ('DOT') is working on the Main Street Bridge project, which is totally funded by the State. Mr. Gowan described the 'deliverables' VHB is responsible for, such as Beaver Brook flood survey work and preparation of a water flow model. He explained that the complexity of the model had delayed the process; however all the work was now done. DOT is in concurrence that the model will be used for all the bridges. During a meeting with Quantum, they expressed concern over the preliminary information and span over Willow Street Bridge; however the now completed study dismisses those concerns. Mr. Gowan stated both Quantum and DOT could now proceed. He received an email earlier in the day from Quantum that indicated with VHB's recommendation for a 100ft bridge span at Willow Street, the cost they prepared for the October 23, 2014 meeting was fairly accurate for 2015 prices. Variables will be determined by taking additional core samples. The letter suggested the Town may want to consider amending their proposed warrant article to include construction costs for Willow Street.

Mr. Gleason commented that there were two warrant articles proposed: 1) Abbott Bridge engineering study; and 2) Willow Street Bridge engineering study. Quantum asked if they Selectmen wanted to reconsider and submit the total project cost of the Willow Street Bridge on the warrant (\$2,657,500 of which \$531,500 is the responsibility of the Town). At present, he didn't feel there was enough information to make that decision. Mr. Gleason noted the Selectmen would be revisiting the warrant articles and conduct final review on December 23, 2014. In the interim he suggested having a discussion to determine if the warrant article should be changed to include the bridge.

Mr. Lynde questioned if the State was ready to move forward. Mr. Gowan replied the State was more likely to move quicker if the construction money has been approved by the voters. At the Selectmen's request, he will organize a meeting or conference call with the State to have questions vetted, which will allow the Selectmen to have further discussion. Mr. Lynde wanted to know if there was any concern that the Abbott Bridge design would have impact on the Willow Street Bridge. Mr. Gowan explained one item VHB still needed to deliver was information regarding downstream impacts. Until that information has been delivered, he didn't want to set up a presentation for the Selectmen.

The Selectmen agreed more information was needed prior to final review of the warrant articles December 23, 2014. Mr. Gowan will set up a meeting to have questions answered.

Discussion of Massachusetts Small MS4 General Permit Hearing

To update the Selectmen, Mr. Gowan explained there was an Environmental Protection Agency ('EPA') item that was being rolled out at different timeframes for different states. He received a copy of an email relating to the second phase of permitting for Massachusetts, which is approximately one year in advance of New Hampshire. He commented that some of the issues raised during public feedback in Leominster, MA were the same types of issues New Hampshire would experience, such as inconsistencies between Federal and State regulations, need for public educations, outreach to impacted municipalities, best practices and training for illicit discharges, costs associated with implementing a new permit, etc.

Mr. Gowan told the Selectmen that the Town had done a good job keeping up with phase I of MS4 and had reacted positively to the recommendations coming out of the EPA and the Department of Environmental Services ('DES'). He stated Robert Varney, former Executive Director of the Nashua Regional Planning Commission (1980's) and had also run the State DES and EPA offices, came into the Planning Department. Mr. Varney offered to meet with the Planning Board and make them aware of the upcoming changes. Mr. Gowan wanted the opportunity to get a better handle on the information before having discussions with the Selectmen. He stated it would be an unfunded Federal mandate, which during the second phase would become more complicated and costly.

Mr. Gleason questioned if Mr. Gowan recommended using Keach Nordstrom (Town's engineering review company) versus TF Moran. Mr. Gowan felt TF Moran had done a good job in terms of MS4 reporting. Before discussing which consultant to use, he wanted a better understanding of what impacts (costs and otherwise) there would be to the Town. He noted the rules wouldn't become effective until the middle of 2015, which would allow for time to address any budgetary needs. Mr. Gowan will also request that NRPC move the issue to the forefront of discussions and conferences.

Mr. Lynde questioned when New Hampshire would be affected. Mr. Gowan replied New Hampshire was approximately one year behind Massachusetts. The engineering company would be determined after better understanding of requirements. Mr. Lynde asked if costs would be captured during the planning process. Mr. Gowan believed some expenses would be captured by applicants. He also believed some costs may be able to be captured through the establishment of a fund that would offset the obligations.

Hillcrest Lane Release of Bond

Mr. Gowan spoke the Board granting permission to Brian McGowan of Hillcrest Lane to extend the end of Hillcrest Lane to gain access to his property and driveway. Due to the initial work being substandard, Mr. Gowan required posting of a bond. A bond in the amount of \$33,214.50 was posted at the recommendation of Keach Nordstrom (Town's engineering review company). Work has since been completed to the satisfaction of Keach Nordstrom and the Highway Road Agent Don Foss. Mr. Gowan asked if the Board would consider releasing the bond now that the work has been completed to everyone's satisfaction.

Mr. Lynde made a motion to release the bond for improvements to Hillcrest Lane associated with the driveways for 23A and 23B Hillcrest Lane, with the assumption that the Planning Department and Highway Road agent were satisfied and approved the release of the bond.

MOTION: (Lynde/McDevitt) To release the bond on improvements to Hillcrest Lane associated with the driveway at 23A & B Hillcrest Lane, payable to Brian McGowan.

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

Driveway Permit Application, Hildreth Street, Pelham/Dracut line: Map 40 Lot 160

Mr. Gowan invited Mr. Stephen Paquette forward to discuss the requested driveway permit. Mr. Gowan explained to the Board Mr. Paquette would like to construct a duplex off Hildreth Street, a road that comes into Pelham from Dracut, MA. The Town has not maintained the road. He found no evidence that the road was ever closed to gates and bars or discontinued; it was clearly a Class VI road. The road is in an area of Town zoned industrial, although it had no access for any kind of industrial business. Mr. Paquette was granted a variance (Case #ZO2014-00023 / October 16, 2014) to build a residential house in the industrial zone. The Planning Board granted a lot line adjustment (Case #PL2014-00035 / November 17, 2014). Mr. Gowan stated he couldn't issue a building permit on a Class VI road without the Selectmen's permission.

Mr. Paquette believed the Selectmen had received all the necessary information and copies of permits received to date. He added he met with the Highway Safety Committee ('HSC') to ensure there were no questions regarding the unique nature of the application. He understood and agreed there would be no maintenance of the road by the Town and there would be no school bus service to the area. He stated the Fire Department's only concern was the location of a fire hydrant, which is currently located approximately 400-500 feet of the subject lot. Mr. Paquette told the Board there was no need to improve any portion of the Hildreth Street right-of-way because the area in the location of the driveway access is currently a paved section on the State line. He explained his daughters had horses taken care of in that area and the land would be developed for his daughters so they would have the ability to continue to care for their horses.

Mr. Gleason recalled a similar situation on the Fischer property (Seavey Lane) for which they signed an agreement indicating their understanding that the Town would not be responsible for maintenance, emergency response etc. He didn't see that type of agreement included with the information supplied to the Board. He suggested the Board could give approval conditioned upon execution of a

136 formal agreement absolving the Town of any maintenance etc. Mr. Paquette had no objection. Mr. McDevitt believed the Town had
137 standard wording they'd used in the past.

138
139 Mr. Gleason reviewed the information submitted and understood Mr. Gowan was recommending approval. Mr. Gowan answered yes.

140
141 Mr. McDevitt read aloud a portion of RSA 674:41, I (C) that addressed building on a Class VI highway and what was necessary to do
142 so. Mr. Gleason felt it was important to have a signed document indicating agreement that the Town had no responsibility for the
143 road, as was done with Seavey Road. Mr. McDevitt added it would also need to be recorded with the deed. Mr. Paquette told the
144 Selectmen he had no objection to incorporating language into the agreement to indicate there would be no bus service to the location
145 of the lot. Mr. Gleason felt it was important to document the agreement so it was easy to review. Mr. Paquette had no objection to
146 recording language. Mr. Gowan told the Board he would review the language from the Seavey Road agreement and draft an
147 appropriate agreement for the Hildreth property. The agreement would be recorded with the deed and held in the Town Planning
148 Department for easy discovery.

149
150 Mr. McDevitt made a motion as follows: To permit building on Map 40 Lot 6-160 and approve a driveway permit on said lot, and
151 noting that the Town of Pelham assumes no responsibility for road maintenance or any liability for damages arising out of road use.
152 Prior to the issuance of a building permit, the applicant produces evidence that notice to the limits of the municipal responsibility and
153 liability has been recorded in the County Registry of Deeds in accordance with RSA 671:41, I (C). Mr. Lynde seconded. Both Mr.
154 Gowan and Mr. Paquette were in agreement with the proposed motion.

155
MOTION: (McDevitt/Lynde) To permit building on Map 40 Lot 6-160 and approve a
driveway permit on said lot, and noting that the Town of Pelham assumes
no responsibility for road maintenance or any liability for damages arising
out of road use. Prior to the issuance of a building permit, the applicant
produces evidence that notice to the limits of the municipal responsibility
and liability has been recorded in the County Registry of Deeds in
accordance with RSA 671:41, I (C).

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

156
157
158 **OTHER BUSINESS**

Fairpoint Settlement

Mr. Gleason indicated the Board received a letter from Will Corcoran (Town's Assessing Agent) recommending that the Town execute an agreement with Fairpoint covering them through the year 2016. Mr. Corcoran negotiated the agreement and felt it was 'the right way to go' and lock the Town's pricing. After which the Town would be subject to any findings of the court. It was also recommended to reduce the assessment on the Fairpoint property by \$140,000. By doing so, the impact (exposure) to the Town would be approximately \$10,496, which includes any interest accrued (going back to 2012). Mr. Gleason felt the Board should allow the agreement to be executed. Mr. McDevitt reviewed Mr. Corcoran's letter and also felt the Board should accept the agreement.

MOTION: (McDevitt/Lynde) To accept the recommendation of the Town's Assessing Agent, Will Corcoran to accept the Settlement and Stipulation of Value between the Town of Pelham and Fairpoint Communications.

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

MOTION: (Viger/McDevitt) To appoint Town Administrator Brian McCarthy as the agent to execute the documents.

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

Discussion Regarding a request to donate land to the Town – property at 40 Hillcrest Lane

Mr. Gleason stated during the last discussion the Board asked the Assessing Department to define the land and indicate whether it is wetlands. Mr. McCarthy told the Board the Assessing Assistant Sue Snide researched the property. He provided a summary of the findings. Mr. Gleason understood that the owner was seeking to donate the land to the Town. Based on the previous comments from the Conservation Commission and information provided by the Assessor, Mr. McDevitt was not in favor of accepting the land. He felt the greatest use would be for the people living on either side of the property. Mr. Haverty agreed.

Mr. Gleason asked Mr. McCarthy to respond to the land owner indicating the Town was not interested in accepting the land.

Summary of Liberty Utilities Meeting regarding Expansion Project

Mr. Gleason spoke of a meeting held with Northeast Utilities and National Grid to investigate their proposal for Pelham with regard for the expanded electric capacity for the Boston area. Representatives provided a full presentation; copies of which were given to the Selectmen. He stated the intent was a fact finding session. It was made clear to the representatives the meeting was preliminary in nature any further discussion would be in a public forum, with public participation. The representatives were agreeable to proceeding in that fashion. A special meeting of the Selectmen and public hearing will be convened in the January, 2015 timeframe to allow for a formal presentation. During which there will be discussion regarding the impacts and benefits to Pelham.

Mr. Lynde pointed out there was a competing project that would avoid any impact on Pelham by way of undersea cables in the Seabrook, NH area running down to Massachusetts. He explained the intent was to supply increased grid capacity to the Boston area. Currently there are three existing lines within a right-of-way; the proposal was to add another high voltage power line within that right-of-way. There would need to be some tree cutting, which would impact abutters. Mr. Lynde commented the towns had no say in the decision making process, ISO-NE (ISO New England – and independent, non-profit Regional Transmission Organization) will determine which route to choose. Pelham could voice either their support or displeasure; public hearings will be held to do so.

Mr. Gleason reviewed the proposed schedule and reiterated Pelham would conduct a public session in January, 2015. He added that the Town has also been approached by Kinder Morgan, who is responsible for natural gas. A preliminary meeting will be held to find out what they are considering to ascertain what impact there will be to Pelham. Parameters for further discussion and public hearings will then be set.

TOWN ADMINISTRATOR / SELECTMEN REPORTS

Mr. McDevitt told the Board he was contacted by a resident on Valley Hill Road, who was concerned about the slope of the road at the Mammoth Road intersection. Mr. Lynde recalled the road slope was reduced during the Dunkin Donuts project. Mr. Haverty questioned what the Town was being asked to review. Mr. McDevitt replied the resident wanted the road maintenance reviewed. They felt the Town wasn't putting enough sand/salt down. Mr. McCarthy told the Board he would handle the matter. In his opinion the recent weather (rain freezing temperature) was an unusual event; as soon as sand/salt was put down onto the roadway it froze over. He will speak with the Highway Road Agent to resolve the situation.

Mr. Gleason spoke of creating a mechanism to respond better to resident comments/complaints. He didn't want the impression to be that the Town wasn't responding to inquiries. Mr. Viger felt the residents also had to understand on challenging days, employees

were all out working to make conditions safe. Mr. McCarthy told Selectmen they would evaluate how the call process came through which he believed had room for improvement.

Mr. Lynde stated he sent Selectmen a report from the Pelham Community Coalition of what they had done during the past year. On Saturday they will hold a strategy session at the Fire Station community room to determine their next path.

Mr. McCarthy reported the Town's new website would go live January 16, 2015; employees will have a training day on January 9, 2015. He updated the Board on the status of the phone system. The contract from Carousel for the system was reviewed by Town Counsel. The recommended revisions have been inserted and returned to Carousel.

Mr. Gleason asked for the Board's concurrence to ask the Town's three elected representatives to come in front of the Board in January for an open discussion of issues relative to Pelham. The Board agreed it would be a good idea.

Mr. Haverty commented he'd been receiving phone calls from people complaining about the traffic at the end of Sherburne Road and the Police detail that had been posted at the Mammoth Road intersection. He explained to the callers that the intersection was dangerous and vehicles couldn't create an additional traffic lane. He said his discussion didn't pacify them as they felt the Police detail was stopping them from getting home quicker.

Mr. Gleason ended by telling the Board he would be attending a Nashua Regional Planning Commissioner's meeting on Wednesday, December 17th during which they will be approving the regional plan.

ADJOURNMENT

MOTION: (Haverty/Lynde) To adjourn the meeting.

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

The meeting was adjourned at approximately 8:10pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary