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APPROVED
BOARD OF SELECTMEN – MEETING MINUTES
November 9, 2021

CALL TO ORDER – Chairman Haverty called the meeting to order at approximately 6:30 pm.

PRESENT: Jaie Bergeron, Kevin Cote, Robert Haverty, Hal Lynde, Doug Viger

ABSENT: Brian McCarthy Town Administrator

PLEDGE OF ALLEGIANCE

MINUTES REVIEW:

October 26, 2021

MOTION: (Cote/Lynde) To approve the October 26, 2021 meeting minutes as amended.

VOTE: (3-0-2) The motion carried. Mr. Viger and Mr. Bergeron abstained.

November 2, 2021

MOTION: (Cote/Bergeron) To approve the November 2, 2021 meeting minutes as amended.

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

OPEN FORUM:

No one came forward to address the board in open forum.

APPOINTMENTS:

Board of Selectmen VOTE: regarding a proposal to purchase the following: #1 – 3 Conservation easements totaling approximately 202 acres. The lots are defined as Map 6 Lot 4-161, Baldwin Hill Road, Map 6 Lot 4-162, off Jeremy Hill Road, Map 12 Lot 4-154, 8 Bowman Lane, Map 13 Lot 4-150, 146 Jeremy Hill Road, and Map 13 Lot 4-156, 139 Jeremy Hill Road. In addition, Lots 208-18 and 202-1 in Hudson, NH on the Pelham/Hudson line will have a deed restriction to prevent development or subdivision, in perpetuity. These will be easement properties; ownership will remain with the current owners; the land will not be open to the public. #2 – Open space totaling 85 acres. The lot is defined as Map 27 Lot 2-81, frontage at the intersection of Mammoth Road and Bush Hill Road, along the class VI portion of Tower Hill Road and frontage on the south side of Gumpus Pond.

#1 - There was a discussion between Mr. Cote and Chairman Haverty about whether or not the amount needed to be included in the motion. They asked Al Steward to come up and confirm the amount. Mr. Steward stated the dollar value was \$1,715,400, which Mr. Viger confirmed.

Mr. Cote asked if the motion should include where the money is coming from. Mr. Steward explained there are various funds available. He said there is approximately \$300,000 left in the original \$3 million, a little

52 over \$1 million in the current use fund and the entire balance of the \$1.5 million raised by the tax payers,
53 which hasn't been segregated in any way that he was aware of. Mr. Cote said he knew that when Paul
54 Gagnon was talking about the totals, it left about \$180,000, which Mr. Gagnon confirmed.

55
56 Chairman Haverty said he didn't think the sources needed to be include in the motion because it had been
57 discussed at a previous meeting and was on the record. Just the dollar amount needs to be included.

58
59 There was no further discussion from the board.

60
61 **MOTION:** (Cote/Bergeron) To purchase the conservation easement totaling approximately
62 202 acres for the cost of \$1,715,400.

63
64 **VOTE:** (4-1-0) The motion carried. Mr. Viger voted no.

65
66
67 #2 - Paul Gagnon came forward to confirm the dollar value, which is \$655,000 for 85, about \$7,500 per
68 acre.

69
70 Mr. Cote asked if the tower portion was part of this deal. Mr. Gagnon confirmed it was. 80 acres will
71 become town land at closing and 5 additional acres, which are tied up with the tower, will become town
72 land when the tower is removed, at no additional cost, for a total deal of 85 acres. Mr. Gagnon said this
73 land does have public access.

74
75 There were no further questions or comments from the board.

76
77 **MOTION:** (Cote/Bergeron) To purchase 85 acres on Map 27, Lot 281 for \$655,000.

78
79 **VOTE:** (5-0-0) The motion carried.

80
81 **DISCUSSION:**

82
83 **POLICY CHANGE AT THE TRANSFER STATION REGARDING THE ACCEPTANCE OF**
84 **MATTRESSES**

85
86 Chairman Haverty explained the transfer station has started accepting mattresses again at the normal rate
87 of \$15-20 per mattress until the board comes up with a solution. He explained one solution that was
88 presented was for a company to drop off a trailer and the transfer station to load the trailer and the company
89 would take it away at a cost of \$50 per mattress.

90
91 Mr. Lynde asked if that was the \$100 an hour proposal. Mr. Bergeron explained there was something new
92 in the packet showing \$100 an hour, which is different than the \$50 a piece proposal. Mr. Lynde asked
93 what hours were at the \$100 an hour rate. Mr. Bergeron said he didn't understand that either. Mr. Lynde
94 was concerned that included all the time the trailer is there. Mr. Bergeron said it looks like the town would
95 have to transfer them to the company's location for \$25 per item. In order to do this, the town would have
96 to rent a trailer for \$250 and then \$100 per hour. Mr. Bergeron mentioned he didn't understand who was
97 towing the trailer. Mr. Viger believed that was if we transported them ourselves. Mr. Bergeron said
98 regarding the LL&S option that was brought up at a previous meeting, LL&S won't even accept the
99 mattresses from the town, but 2 other options were laid out by Bob from the transfer station. Mr. Viger
100 explained he believed that directly responded to Mr. Cote's question of what if we transfer them ourselves.
101 Chairman Haverty said it was mentioned in the packets that the town can't send a trailer full, but the
102 residents are allowed to go there but will be charged \$70 per set and have to wait 1-2 hours in line with

103 only cash accepted. Mr. Cote mentioned he was unsure about the cash part as he goes to LL&S and they
104 accept credit cards. He explained that he doesn't believe this is a valid option and said he is okay with
105 upping the fee to \$50 if that's what it's going to have to be.

106
107 Chairman Haverty said the question came up about how many mattresses the transfer station sees. The
108 totals were given in the packets, January and February - about 30 each, March – 55, April – 81, May – 46,
109 June – 51, July – 59, August – 55, September – 54, October – 63 and so far in month of November – 7,
110 which is a lot of mattresses. Mr. Viger said it's a small amount for the number of people in town. Mr. Cote
111 mentioned the board had run the numbers and figured about 1,000 to 1500 a year.

112
113 Mr. Bergeron said he didn't understand the last segment about someone bringing them to Framingham,
114 Mass. for \$25. He questioned whether that was better than paying \$50 a mattresses and signing a 3 year
115 contract. Mr. Cote explained the town would have to bring dry mattresses to a man named Willie. He said
116 Lamont Transport will charge \$250.00 for the rental of the trailer and then \$100 an hour to haul them.
117 There was some discussion between Mr. Cote and Mr. Bergeron regarding these numbers and this proposal.
118 Mr. Bergeron said the other proposal leaves a trailer and the town fills it until it's full and then they come
119 and pick it up for \$50 a mattress. Mr. Cote said this was still cheaper than LL&S, which Mr. Cote had
120 expected to be less expensive.

121
122 **MOTION:** (Cote/Bergeron) to up the fee at the transfer station for mattresses to \$50.

123
124 **VOTE** (5-0-0) The motion carried.

125
126
127 **CUTLER SPAULDING AREA/Class 6 ROADS**

128
129 Chairman Haverty explained the board received an email from Deb Waters talking about some issues with
130 the class 6 roads at Cutler and Spaulding, indicating undesirable activity going on. There has been
131 discussion with Chief Midgley about the availability of fire apparatus in the forest if there is another fire
132 like there was a couple of months ago. Chairman Haverty asked what the board wishes to do. He said there
133 had been discussion at one point about forming a committee to talk this through, which he believed Mr.
134 Viger was point on.

135
136 Mr. Viger said he had offered to head up a committee after the last fire and has neglected to pull it together.
137 He would like to reinstate it and work with the Highway Safety Committee, which includes the planning
138 department, police chief, fire chief and members of conservation. Mr. Viger said his ultimate goal is to get
139 an overview map of trails and those accessible to most would get gates and bars and others could have
140 stones or something of that nature. He explained it is difficult for the board to make a decision without the
141 other parties being involved.

142
143 Chairman Haverty said he thinks the Highway Safety Committee is not an inappropriate place to start or
144 involve. These are class 6 roads and police and fire need to get in, if needed, and their feedback is important.

145
146 Mr. Viger said he will send out an email out tomorrow and hopefully get on the next forestry and
147 conservation agendas to get a group together and start moving forward.

148
149 Mr. Lynde asked if all the trails are classified as class 6 or just trails. Mr. Viger said that is unknown at this
150 point and they can't just say to put gates and bars up until they know if they are class 6 or trails.

151
152 Mr. Cote said nothing is going to alleviate the issues that are going on. He explained that he doesn't know
153 if shutting down the road is going to prevent people on ATVs from driving around and high school and

154 college kids from partying in the woods. He said he doesn't know what the answer is but believes shutting
155 the roads off will be counterproductive come emergency time. Mr. Cote questioned how you prevent ATV
156 from going out there and people hunting, etc. He explained it is okay to be out on your own land following
157 the law and hunting and he is okay with that. Mr. Cote is unsure of what the solution is for ATVs but 16
158 year olds don't understand fully what's going on and they will find a way to get out there for fun.
159

160 Chairman Haverty asked Mr. Gagnon to come speak. Paul Gagnon, member of the conservation
161 commission and forestry committee came forward. He said he would try to be brief because he knows Mr.
162 Viger wants to start a committee. Mr. Gagnon said they know precisely which ones are class 6 roads and
163 which are trails. He explained that to Mr. Cote's issue, this is not about ATVs. This is about full size, off
164 road vehicles. People have apps on their phones telling them where to bring their vehicles to go off roads.
165 Spaulding Hill Road and Tower Hill Road are listed. Mr. Gagnon said he has talked to people out there in
166 Jeeps and they are respectful and what they were doing is legal. However, they get up to class 6 roads and
167 see a trail and decide to go on them. He explained that he has pictures of what used to be 3 foot wide trails
168 that are now 10 feet wide with large ruts in the mud. Mr. Gagnon said this is about whether or not we want
169 to close the 2 class 6 roads from being used by off road vehicles. He said they would just have to gate the
170 two ends of those roads and there will be no full size, off road vehicles on them. He agreed that ATVs will
171 find there way around but we are trying to prevent damage from full size, big, four wheel drive vehicles.
172 Mr. Gagnon said he has a meeting tomorrow with Chief Midgley and they are proposing three gates where
173 class 6 roads meet the trails in the Cutler Spaulding Forest. This would allow them on the class 6 roads but
174 keep them off the trails. Mr. Gagnon said that is foolish if the class 6 roads are going to be declassified.
175 He said gates could be placed and police and fire will have keys so they can have access to the roads, but it
176 stops other vehicles from coming in. By doing this, they won't have to worry about the trials coming off
177 the class 6 roads because there won't be any full sized vehicles on the class 6 roads.
178

179 Mr. Viger asked to separate the trails with fire protection versus the specific Spaulding Hill and Cutler as
180 they are two different aspects. He asked to revisit this at a future meeting after Mr. Gagnon meets with the
181 Highway Safety Committee. Mr. Viger thinks Spaulding and Cutler are different priorities than his
182 committee intended to address.
183

184 Mr. Gagnon said the chief assigned someone named Nick to try to come up with safety plan for each town
185 forest. He said some town forests have only foot trails, no class 6 roads, which presents a different challenge
186 to fire and police because there is no way to get a vehicle in. Others town forests, like the ones being
187 discussed, have two class 6 roads and are being abused by the number of vehicles going in. Mr. Gagnon
188 said the solutions to the problems need to be specific to a particular town forest and that's what they are
189 trying to work on.
190

191 Mr. Viger said after the summer forest fire and no access for the town's vehicles to get into the trials, he
192 suggested creating a committee to look at the trials and see where gates could be put versus stones and
193 rocks, etc. He believes this is a separate scenario from Spaulding Hill and Cutler, which has nothing to do
194 with fire protection, but trying to prevent damage.
195

196 Mr. Gagnon said he doesn't fully agree because it will determine where gates are put. If gates are put at
197 the beginning of the class 6 roads, it would block the class 6 roads and all trails coming off of it. If the
198 class 6 roads are left open, gates would be put where the class 6 roads meet the trails. A decision has to be
199 made on what is going to be done with the class 6 roads first.
200

201 Chairman Haverty asked if you can gate class 6 roads. Mr. Gagnon said not legally. Chairman Haverty
202 confirmed they would have to be declassified, which Mr. Gagnon said was correct. Mr. Gagnon explained
203 that they could be gated but not locked.
204

205 Mr. Viger said he is fine with addressing both things in the committee that he hopes to create, if Mr. Gagnon
206 feels they can be addressed at the same time but doesn't want to put off any urgent issues. Mr. Viger asked
207 if action could be taken on these two class 6 roads individually or how it needs to be handled.
208

209 Mr. Gagnon said he thinks they can be handled individually but may need to input from Attorney Rattigan.
210 Mr. Gagnon would like to make an attempt to answer the class 6 road question first but agrees with Mr.
211 Viger that he doesn't want to hang the committee up by trying to figure out the class 6 road issue, which
212 only applies to the Cutler Spaulding Conservation area. Mr. Gagnon explained there are 9 trail head parking
213 areas that give access to different conservation areas with 20 miles of trails in town.
214

215 Mr. Viger asked Mr. Gagnon to continue with the meeting with the chief tomorrow and get more feedback
216 for the next meeting, which Mr. Gagnon agreed.
217

218 Chairman Haverty asked if Mr. Viger was suggesting bringing Mr. Gagnon back. Mr. Viger said for these
219 two particular items and the other trails and their access could be addressed separately.
220

221 Mr. Cote asked Mr. Gagnon if they are talking about 2 roads. Mr. Gagnon said in the particular town forest
222 that had fire, there are two roads, Spaulding Hill and Tower Hill. Mr. Cote confirmed this was Spaulding
223 Cutler. Mr. Cote said he knows Spaulding Hill comes out by Mr. Montbleau's house and goes all the way
224 to Tower Hill. Mr. Gagnon said it T's off at Tower Hill and goes down to Gumpus Hill. Mr. Cote asked
225 if it becomes a class 6 at Gumpus Hill and then into Hudson, with Mr. Gagnon confirmed. Mr. Cote asked
226 if they are thinking about doing this at the Hudson/Pelham town line and Mr. Gagnon confirmed.
227

228 Mr. Viger said he thinks the board can take action on the two particular roads tonight. Mr. Cote said he
229 wants to know legalities of how it has to be done, which Chairman Haverty said is a question for Attorney
230 Rattigan.
231

232
233 **2nd PUBLIC HEARING: Notice is hereby given in accordance with RSA 41:14-a, the Pelham Board**
234 **of Selectmen will hold two public hearings on Tuesday, October 26, 2021 & Tuesday, November 9,**
235 **2021 at 7:00 PM Sherburne Hall, 6 Village Green, Pelham, NH regarding a proposal to acquire the**
236 **following: Approximately 11 acres of a 13.6-acre parcel. The lot is defined as Map 30 Lot 11-100, 71**
237 **Dutton Road. Property to be acquired for use as conservation land.**
238

239 Chairman Haverty explained this is the second public hearing.
240

241 Paul Gagnon, conservation commission, came forward again to summarize the proposal. He said this is a
242 relatively small parcel. It abuts Peabody Town Forest. The parcel to north is prime wetlands and this parcel
243 protects the 100 foot buffer to the prime wetlands. It will be open to the public for hiking. The price is
244 \$80,000 for 11.6 acres. The 2021 appraisal for this property is \$10,500 per acre. The agreed selling price
245 is \$6,900 per acre, approximately a 30% discount by the land owner. The total selling price is \$80,000 for
246 12 acres.
247

248 No one came forward from the public to discuss this proposal.
249

250 There were no questions or comments from the board.
251

252 Chairman Haverty and Mr. Gagnon confirmed that voting will be next week for this proposal.
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255 **DISCUSSION:**

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PLANNING DEPARTMENT FEE SCHEDULE REVIEW

Mr. Cote explained the planning department fees are relatively cheap compared to surrounding towns. He has reached out to the planning director. The recommendation is a minimum increase comparative to other towns and even with the proposed increase, we will still be below other towns' permitting schedules. He asked if the board had any comments or thoughts.

Chairman Haverty said Mr. Cote just framed the discussion for the board and they just received the information the end of last week. He thinks they should give it some thought for a couple of weeks and then come back and discuss and vote on it.

Mr. Cote said it doesn't have to be rushed. He explained he had another resident approach him and was surprised at how cheap the town's fees were. He suggested talking about it at the next meeting and then deciding how to proceed. Chairman Haverty said this would be discussed next week.

CUTLER SPAULDING AREA/Class 6 ROADS continued:

Mr. Lynde asked whether it was an offense for large trucks going on town land and creating havoc. Mr. Cote said it was not because it was a class 6 road, so they are legally allowed to go on them, which presents different challenges. Mr. Cote explained that off-roading is a hobby. The problem is where they're going off the track. People are doing the right thing going down the class 6 road but when they see a trail that looks like it could be a continuation, but is not, is where the problem lies. Mr. Lynde asked if that can be an offense. Mr. Cote said that was a good question regarding when they go off the class 6 road. Mr. Bergeron explained they had a situation on Spaulding Hill where they were called out to remove an abandoned Jeep that was stuck in the mud on one of these roads. When it was removed and the owner was called, all they could get him on was abandonment because he was legally allowed to be out there but abandoned his car.

Mr. Lynde said that when the soccer fields were first built at Raymond, a few days later wheelies were done on them. They ended up putting up fences and rocks to prevent vehicles from coming in. The police had OHRV that they can get in on. Mr. Lynde questioned what the town's legal rights are in protecting the land.

Chairman Haverty said that once Mr. Viger starts working with fire and police the board will be able to understand what the town is capable of enforcing and what the enforcement mechanism is.

SELECTMEN/TOWN ADMINISTRATOR REPORTS

Mr. Bergeron nothing to report.

Mr. Lynde no report.

Mr. Cote said the planning board is discussing some zoning changes and looking at decreasing the liability when it comes to workforce housing. He said the voters will see workforce housing zoning changes but explained they are just changes in language. He said voters will see Accessory Dwelling Units and it will say to be in compliance with NH workforce housing laws, ADUs are considered part of workforce housing. There will be a few minor changes in the zoning to help address workforce housing. Mr. Cote said they

306 will be discussing zoning at the planning board's next couple of meetings and if anyone has issues this is
307 the time to bring it up, send emails.

308
309 **Mr. Viger** no report.

310
311 **Chairman Haverty** no report.

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314 **REQUEST FOR NON-PUBLIC SESSION**

315
316 **MOTION:** (Cote/Bergeron) Request for a non-public session per RSA 91-A:3, II, (A)

317
318 **ROLL CALL VOTE:**
319 Mr. Bergeron - yes

320 Mr. Lynde – yes

321 Mr. Cote- yes

322 Mr. Viger - yes

323 Mr. Haverty - yes

324
325 (5-0-0) The motion carried.

326
327 It was noted that when the Board returned, after the non-public session, the Board would not take any other
328 action publicly, except to seal the minutes of the non-public session and to adjourn the meeting. The Board
329 entered a non-public session at approximately 7:15 pm.

330
331 **ADJOURNMENT**

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334 Respectfully submitted,
335 Jill Atkinson
336 Recording Secretary

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338