

**TOWN OF GROTON
SELECT BOARD MEETING
November 16, 2010
7:00PM**

In Attendance: Miles Sinclair, Kyle Andrews, Christina McClay, Pamela Hamel (Administrative Assistant)

Audience members present

Miles called the meeting to order at 7:12p.m.

Miles made a motion to accept the minutes of November 9 as written, Christina 2nd, so voted.

Updates: Hazardous Tree Removal: other than 2 trees, all marked hazardous trees have been taken care of on Sculptured Rocks Road. Next work date is scheduled for December 4 at 9:00am.

Old Business

Groton Wind LLC agreement: The Company has agreed with all the revisions proposed by the Town except the time limit for issuing a letter of credit for decommissioning should it become necessary. They would like to have 90 days to issue the letter of credit. The Board still needs to do some additional research on this time frame, and how long the company should have to remain at the credit limit threshold before the letter of credit can be released. **Christina made a motion to submit the Groton Wind agreement to the Town's Attorney for final review, asking her to comment specifically on the time frame for the issuance and release of this letter of credit, Kyle 2nd, so voted.**

Dave Leone has raised the issue as to why, in 2008, he was required to apply for a special exception to add some cabins to his campground when T-Mobile and the New Hampshire Electric Coop (NHEC) were not required to apply. After meeting with the Town's Attorney, Planning Board and Zoning Board of Adjustment (ZBA), the Select Board now knows that the way it was handled with Mr. Leone was correct as the ordinance says 'any' new commercial structure needs a special exception. A mistake was made with T-Mobile and the NHEC. Even if a proposed new building is going to be within the footprint of an existing compound, a special exception is required. Mr. Leone maintained that prior to the Town adopting a Zoning Ordinance, he was approved by the State for a campground, and since campgrounds may include cabins, he should not need a special exception to build them. He also did not think that anyone who had a legally established business would need to get a special exception for adding a new structure as the business is already established. He mentioned that he did not think that it was necessary for Bob Whitmore to get a special exception when he wanted to build a new storage shed at the mine but Mr. Whitmore was required to do so. Miles asked Mr. Leone if he was serving on the Select Board during that time. Dave could not recall. Miles said that the Zoning Ordinance is a local ordinance and his State approval for a campground does not negate that. Mr. Leone responded that he would now also have to get site plan review as part of the process which T-Mobile and NHEC were not required to do. The Board admitted that mistakes were made with T-Mobile and NHEC. During their meeting with the Town's attorney, all three Boards learned that the ZBA does not make the decision about whether or not someone is required to have a special exception. That decision is made by the Select Board or Planning Board. Now that they have a better understanding of the process they want to go forward making sure to do things correctly.

The Board had made a verbal agreement to do some work for Mr. Yetman in lieu of the trees that were taken off his property when the Province Road right of way was cleared in 2009. They have done some research regarding the project including contacting the Department of Environmental Services (DES) and the Local Government Center (LGC). DES is requiring a wetlands permit for the culvert that needs to be put in, and LGC does not

recommend handling the compensation in this manner but does state that the Board has the authority to compensate Mr. Yetman. Kyle would like to set up a work session with Mr. Yetman to see if there is some other way to deal with this or possibly have the insurance company take care of it.

Kyle made a motion to contact Dave Yetman and set up a work session with him, Miles 2nd, so voted.

Christina made a motion to sign the abatement application for Map 1 Lot 9 MH and remove it from the system, Kyle 2nd, so voted. The abatement is for a trailer on Bailey Hill Road that has been stripped thus now has no value. It has also been abandoned. By abating this, the land owner, John Faucher, can work with the trailer owner, Thomas Bentley, to remove it and other trailers in the same condition from the property. The Board has let Mr. Faucher know that the presence of these trailers in their current condition constitutes a junkyard violation.

In a memo to the Board, the Administrative Assistant explained the process and time frame for making changes to property cards. Her goal is to have all changes completed by the September 1 MS-1 due date. Any changes in value will then be reflected on the final tax bills. **Miles made a motion to not pay interest on the Upper Birch Holdings property for the reasons articulated in the memo, Christina 2nd, so voted.**

Christina made a motion to ask the Town's attorney to be present at the ZBA rehearing on December 6, Kyle 2nd, so voted.

Miles made a motion to send a letter to Mr. and Mrs. Peverley and Dick Clancy explaining the Board's position with respect to Blanchette Lane, Christina 2nd, so voted.

Miles spoke with Richard Coutu who owns property on Nedeau Lane, a Class VI road. Mr. Coutu has owned the property for 29 years and has had to do work on the road every year in order to access his property (maintain it on an ongoing basis). He told Miles that he has asked for permission to work on the road in the past. Miles would like the Board to discuss whether or not property owners on Class VI roads should have the ability to perform this ongoing maintenance work as long as it is not detrimental to the road without having to come before the Board for permission every time they look to work on the road. Kyle would rather not open up that door. He feels the Board should know who is working on the road and what they are doing. They need to make sure someone does not take up a culvert and leave a big hole for a week. However, he does not have a problem if they want to rake the road several times a year. Christina feels the Board could make a determination as to how often someone needs to come before them on a case by case basis. She is comfortable with him coming before the town with a plan for maintenance at least annually.

Kyle made a motion to require Mr. Coutu to get permission to work on Nedeau Lane, the length of time to be determined by the scope of the project, and ask him to attend a Select Board meeting to discuss the proposed work before any additional work is performed, Christina 2nd, so voted.

Marina Chase said that the logging company, who recently logged off of Old Rumney Road, left a very large ditch in the road. The Board said the company put in 3 or 4 culverts and took them out after the operation was complete.

New Business

Miles made a motion to sign the New Hampshire Police Standards and Training Form A for Interim Chief Pivrotto and the letter that goes with it, Christina 2nd, so voted.

Kyle made a motion to sign the Local Government Center Property/Liability/Worker's Comp contract, Christina 2nd, so voted.

Christina made a motion to sign the Davis/White building permit for map 6 Lot 50, Miles 2nd, so voted.

Kyle made a motion to sign the Grezik building permit for Map 6 Lot 44, Christina 2nd, so voted.

Miles made a motion to sign the supplemental tax warrant for Victoria Collins, Christina 2nd, so voted.

Kyle made a motion to sign the septic plans for Cole, Map 2, Lots 64 & 65, Miles 2nd, so voted.

The Baker River Valley Snowmobile Club will be hosting their traditional Thanksgiving Day dinner at 1pm at the clubhouse at 197 North Dorchester Road in Wentworth. Please call Evie at 786-2770 to RSVP.

The Select Board's Office will be closed Wed, Thursday, and Friday, November 24-26.

The Library Christmas party will be held on December 18 from 1-4. Christina confirmed that the Select Board is okay with a Christmas tree being displayed in the Library and also allowing usage of the Town Hall space for the Christmas party. The Library Trustees are looking for volunteers to bring cookies, desserts or other items. Please contact Anne Tobine or Christina McClay. More information will be forthcoming.

Miles made a motion to go into nonpublic session pursuant to RSA 91-A:3, II (b & c) at 8:45pm, Kyle 2nd, so voted.

Christina made a motion to go out of nonpublic session at 9:37pm, Miles 2nd, so voted.

Kyle made a motion to adjourn the meeting at 9:38pm, Miles 2nd, so voted.

Respectfully submitted,
Pamela Hamel
Administrative Assistant