

SELECTMEN'S MEETING MINUTES

October 02, 2017

The meeting opened at 7:00 PM with the Pledge of Allegiance.

Attendees included Margo Santoro, Selectperson, Charles Fosberry, Selectman, James Coffey, Town Administrator, Harry Power, Compliance Officer and Patricia Putnam, Administrative Assistant. Several members of the public were in attendance. Margo Santoro acted as chairman.

Petition for Layout of Class VI Highway: Margo Santoro opened the meeting and asked Jim Coffey to read the petition and explain the procedures to be followed.

Petitioner: Attorney Gary Kinyon, representing the petitioners, presented a map of Valley Road, privately maintained, running through Merriwoode Village, to the Stack and Pelletier properties. Atty. Kinyon also presented aerial photos showing Valley Road and Log Cabin Road, which links up Kings Highway to Valley Road. He said the Phillips have owned their property since 1940 and they sold it to the Pelletiers in 1970. The Stacks purchased their property in the 1950s and both properties are accessed via boat across Highland Lake or via Valley Road. In the 1990s Mr. Phillips assisted in putting up a gate blocking access to the Pelletier and Stack properties with the gate not being locked. In 2014 the gate was locked blocking access to deliver services and materials for such services as pumping the septic systems and maintaining electrical wires. Atty. Kinyon said the Pelletiers have maintained the roadway, used by many ATV & RTV vehicles. A lawsuit was filed to use the roadway but the action was stayed until the petition to layout a Class VI road, subject to gates and bars could be considered. Merriwoode Village brought in excavator and tore out a culvert, dropped trees across the roadway and constructed a berm to total block vehicular access to the Stacks and Pelletier properties. Atty. Kinyon explained that the basis for the petition is RSA 231:8 – allow the Selectmen to layout a Class VI road, RSA 231:21 to allow gates and bars and RSA 231:21a to regulate a Class VI public highway not maintained by the Town. Valley Road has Eversource transmission lines running alongside of it and the utility needs access to maintain those lines.

Patrick Stack spoke briefly.

Abutters in favor of the petition: Anita Pelletier spoke in support of the petition and said her property has been used by the family for over 40 years.

Joseph Crowell owns the third property in the subdivision and everyone travels through his property. He read his letter of support to the public. He expressed concern that if the Class VI highway is laid out, what his responsibility is if someone gets hurt on his property. The Board said it would address the question at a later date.

Craig Wilson said he bought his property in 1988 and built in 1990. Merriwoode, Inc. has never paid to maintain the road and he supports the Stack's and Pelletier's use of the road.

Mike Szymaszek said the Merriwoode kids are disrespectful to property owners riding ATVs with no registration and snowmobiles. Now the Skimobile Club is barred from using the road to access Kings Highway trails.

Monique Pelletier said the Class VI highway would allow access for major maintenance to properties.

Abutters opposed to the petition: Swen Swenson, president of Merriwoode Village,

reported that the roadway in question is a 40' wide private right of way. If it becomes a Class VI roadway, anyone can pass through. He is concerned because of the large number of children running all around the property.

Karen Capasso reported that the right of way is so narrow that, when she had an emergency situation, the Washington Police came to pick up the injured person by ATV and took him to the ambulance awaiting on Valley Road.

Michael Sassone presented pictures showing the right of way is so narrow and runs right next to buildings. He also said there is a trail around the gate where snowmobilers and hikers can go along. He also said that there are gas, water and septic lines, barely below the surface that run under the right of way road. He also reported that the electrical wires are so low that they have to be lifted by long poles to allow bucket trucks and other commercial vehicles to pass. He also noted that Eversource has access via their road that lies under their high tension wire lines.

Stephen Tucker (Tax Map 103, Lot 4) said the petition must clearly state public access is needed for a specific public need or the petition is mute.

Thomas Migliore said there are water and gas pipes running under the right of way road.

Swen Swenson reported that the power lines are just beside the gate and the utility company can readily reach them.

Rebuttal: Gary Kinyon said the lawsuit was asking for a temporary order to allow access for septic service to the Stack property. He said that Merriwoode Village did not respond to the request causing the Stacks to file the petition.

Swen Swenson said the septic service was allowed to access the Stack property.

Members of the Public Address the Board - None

Board Discussion – Margo Santoro moved and Charlie Fosberry seconded to continue the public hearing until after a site visit could be scheduled. Due to the Chairman of the Board not being in attendance the public hearing was continued to October 9, 2017 at 7:00 PM at the next regular Selectmen's meeting. The board so moved. The Chairman and Charlie Fosberry need to agree to a site visit time and date. Margo Santoro said she works every Saturday but has been on an extensive tour of the property with Patrick Stack. Jim Coffey suggested a Saturday and the date and time will be announced at the reopening of the public hearing.

ADJOURN: at 8:49 Margo Santoro moved and Charlie Fosberry seconded to continue the hearing to October 9, 2017 at 7:00 at the Selectmen's meeting, the board agreed.

Respectfully submitted:

Patricia E. Putnam
Administrative Assistant

Approved:

Margo Santoro

Charles Fosberry

Petition for Layout of Class VI Highway

AGENDA

7:00 P.M.

Open with pledge of Allegiance

Chairman opens the meeting, reads the petition and explains the procedures to be followed.

Petitioner, and those in support, address the Board

Abutters to the proposed Class VI highway address the Board

Members of the Public Address the Board

Board Discussion