

SELECTMEN'S MEETING –July 22, 2019

Present: Margaret Connors, John Strasser
Jennifer Gaudette

Guests: Andrew “Sandy” Schuele, Carlene Quinn, Mike Hern, Attorney Christine Fillmore,
Attorney Demetri Aspiras III

Correspondence was read and acted upon.

The board approved an electrical permit to upgrade service for Werner Meier Map 218, Lot 33.

The board reviewed legal correspondence in regard to the Town's contract with HEB Engineering.

The board signed the PA-28 Inventory Form from the DRA.

The board reviewed correspondence from the Governor in regard to the ongoing budget process.

The board received thank you notes from Ammonoosuc Community Health, Above the Notch Humane Society and Center for New Beginnings for Town Meeting approved monies received.

The board reviewed a new submission for an expired septic plan for Jeremy Carter, Map 204, Lot 6.

N. ANDREW SCHUELE met with board and provided notes dated 7/22/19 and email from NHDES of 12/5/17 for the boards review and also a copy for the Town Attorney Christine Fillmore. Mr. Schuele had also sent certified letters to the board members at home, the Town Office and Mr. Hern. Mr. Strasser returned his letter as he felt it was not appropriate for a letter to be sent to his office. Mr. Schuele discussed his continued concerns with dumping by his neighbor in his line of sight. Mr. Schuele contends that the dumping also signals commercial use of the property as fill is being brought from other properties and whether there is in fact garbage included in the dumping of stumps. Mr. Schuele believes the lot is in violation of NH State Statue due to garbage being deposited. Mr. Schuele felt the debris should be removed and not burned as there is no knowing what is in the pile. Mr. Schuele also noted that the stumpage is visible from a “public right of way” and is a violation. There was also discussion of Section 309, Item#7 Vision Impairment. Mr. Schuele gave background on the original subdivision of the property he purchased and the 1987 subdivision of same that did not follow the correct process in regard to submission by Lisbon and Sugar Hill Planning Boards to DES.

All the property being discussed was originally owned by one owner. The subdivision of lots has now been corrected. Mr. Schuele would like the town to have the stumpage removed that is skewing his view. Mr. Schuele would like the board to take forceful action. The board will discuss his concerns with the Town Attorney and respond accordingly. Ms. Connors will also look at options as the Health Officer.

MS. CONNORS made a motion to approve the minutes of July 1, 2019, seconded by MR. STRASSER. The motion passed unanimously.

MS. CONNORS made a motion to approve the minutes of Jul 8, 2019, seconded by MR. STRASSER. The motion passed unanimously.

Motion to enter Nonpublic Session made by Margo Connors seconded by John Strasser

Specific Statutory Reason cited as foundation for the nonpublic session:

RSA 91-A:3, II(e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against this board or any subdivision thereof, or by or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled

Roll Call vote to enter nonpublic session: Margo Connors-Yes, John Strasser-Yes

Entered nonpublic session at 5:30pm.

Motion made by Margo Connors, seconded by John Strasser, to seal the minutes because it is determined that divulgence of this information likely would render a proposed action ineffective

Roll Call Vote to seal minutes: John Strasser – Yes, Margo Connors – Yes

Motion to adjourn the non-public session at 6:05 pm by Margo Connors seconded by John Strasser.
Motion: PASSED

The Select Board moved downstairs to meet with the members of SHPC and the Town Attorneys.

Present: Dan & Kathy Hinds, Ronald Cole, Anne & George Hartman, Dolly McPhaul, Don Kiepert, Jean Goelin, Barry Taylor, Claire & Frederick Von Karls, Marilyn Monsein, Tom Higgins, Betsy Fraser, Ellie & Joe Brown, Joan & Gary Way, Greg Connors, David Thurston, Carl & Nancy Martland, Suzanne & Michael Morley, Lisa & Tim brown, Lisa Hjelm, James Keefe, Carlene Quinn, Les Newell, Robert Blechl.

DOLLY MCPHAUL & DON KIEPERT spoke on behalf of the group of concerned citizens. They would like MBI removed from the Presby property and for any use after to be consistent with the zoning ordinance. Residents do not understand why the use was allowed and once the activity was happening why was it not stopped. ATTORNEY FILLMORE advised that the attorneys work for the town through the Select Board and cannot answer question without damaging or jeopardizing the town's position. Mrs. McPhaul stated that residents have had it with trucks at 3:00 and 4:00 in the morning and that an Air B&B owner noted that guests loved the area but won't be back because of trucks. Mr. Kiepert noted that the beeping would drive anyone nuts. The group feels there are 17-20 violations of the zoning ordinance. Mr. Kiepert noted that a recent assessment of his property had a 50% reduction due to noise and that sales analysis show properties along Route 117 selling at discounts. Mr. Kiepert also noted that garbage is being brought in from other states. Attorney Aspiras explained the court process and

NH being the Live Free or Die state. Noted that what often appears a slam dunk is in fact not. Facts are needed and a strong case presented. The question of the 1990 additional light commercial application and the town vs zoning board litigation after was discussed. There was discussion of how many trucks on site and also if anyone had done counts of all trucks on Route 117. The group offered that they have facts and pictures including some showing leaking material. The group would like forceful representation and do not want to wait another two years. They would like something done quickly as additional trucks (zero waste) have been sighted and documented. The group feels the noise breaks the town noise ordinance as well. Ms. Connors noted that the board appreciated the resident's feedback and that the town has legal funds that were not available during the fight with Northern Pass. Attorney Fillmore noted the process including the notice of violation which happened in October 2018. If not compliance then it would go to court. A complaint would be filed in Superior Court. Then there would be discovery and evidentiary hearings. Last step would be appeal to Supreme Court. They reiterated that what happens on Route 117 is a Department of Transportation issue and the Town is only able to act on what happens on the property. In New Hampshire towns can only do what the State says and then what local zoning ordinance states. General discussion on how residents could assist with the legal process.

With no more business before the Board, Margo Connors made a motion to adjourn, seconded by MR. STRASSER the meeting was adjourned at 7:20 PM. The next regular scheduled meeting will be on Monday July 29, 2019, at the Carolina Crapo Building at 5:30 pm.

Respectfully submitted,

Jennifer P. Gaudette
Administrative Assistant