



**SELECTMEN'S OFFICE
TOWN OF GILMANTON**

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APPROVED

Board of Selectmen Meeting

November 20, 2023 - Academy Building – 5:01 P.M.

CALL TO ORDER – ROLL CALL

PLEDGE OF ALLEGIANCE

Present: Chairman Mark Warren, Vice-Chairman Vincent Baiocchetti, Selectmen Evan Collins (*absent with notice*), Town Administrator Heather Carpenter, Scott LaCroix-Building Inspector

Public: Steven Hall, Allyson Hall, Breyer Hall, Shelby Hall, Dave Eckman

Chairman Warren stated, they would be moving through the agenda as it's stated. I do believe that there are people here for item number 11 on the agenda, so it won't take us too long to get through our portion of it, but thank you for your patience.

Breyer Hall stated, he would like to comment on number 11 in public comment.

The Hall's addressed Chairman Warren asking why they can't get put on the agenda for the meeting, they tried. That it was to directly speak with the Selectboard as well as to hear what is to be stated specific to that problem.

Chairman Warren stated, they can speak in public in the public section.

Steve Hall stated, they had some progress in the Zoning Board meeting and asked if the Selectboard had a chance to review the minutes.

Chairman Warren stated, that they were going to move through our agenda first.

MEETING MINUES APPROVAL

1. 10-16-2023 – Public and Non-Public Minutes

2. 10-30-2023 – Non-Public Minutes

3. 11-06-2023 – *In Progress*

Motion: On a motion by Vice Chairman Baiocchetti and seconded by Chairman Warren it was voted to approve the Public and Non-Public minutes from 10-16-2023. (2-0)

CONSENT AGENDA

4. **Highway Block Grant** - \$44,106.60, acknowledgement

5. **Trustees of Cemeteries** – Request to increase number of Cemetery Trustees

6. **PO – Wolcott Construction** – Increase from \$120,198 to \$126,083.88

7. **PO – Wolcott Construction** – Decrease from \$40,000 to \$38,099.31

8. **PO – CSNH, Transfer Station Lean-to Project** - \$18,725.58

9. **Community Development** – 2024 General assessing contract

Motion: On a motion by Chairman Warren and seconded by Vice Chairman Baiocchetti it was voted to approve the Consent Agenda as presented. (2-0)

NEW BUSINESS

10. **Tax Rate** – TA Carpenter stated, there are few options that the board was given. The first one is the recommendation. It's the most aggressive. However, it leaves us at the halfway point in reference to the unassigned fund balance. The tax rate would be using \$750,000 of the unassigned fund balance, bringing your unassigned fund balance down to 13.05%, giving you a tax rate of \$23.39.

The second option would be using \$650,000 of the unassigned fund balance, bringing the unassigned fund balance down to 13.66%, giving you a tax rate of \$23.56.

The third option would be using \$550,000 of the unassigned fund balance, leaving you with 14.28% in the unassigned fund balance, bringing the tax rate down to \$23.74.

The next option would be using \$450,000 of the unassigned fund balance, bringing the percentage down to 14.90%, giving a tax rate of \$23.92.

And then the last option is the least aggressive, using \$350,000 of the unassigned fund balance, leaving the unassigned fund balance at 15.52%, giving a tax rate of \$24.09.

Your policy states that you'll be between 10% and 15% on the unassigned fund balance, so all of those options fall within that.

Motion: On a motion by Chairman Warren and seconded by Vice Chairman Baiocchi it was voted to approve Option 1A. (2-0)

Chairman Warren spoke to his thinking on that option, the Town got through a difficult time of uncertainty, and still managed to do fairly well. And so, I feel like being a little bit more aggressive right now on the retention of the unassigned fund balance. I think that 13% still keeps us in a safe place, but returns as much to the taxpayer as we feel comfortable in stewarding these funds.

TA Carpenter stated, by state standards, 17%. Our standard is 15% in the unassigned fund balance.

Vice Chairman Baiocchi stated, at 15%, we're at \$2.8 million. Last year we didn't give any. But we took the fire truck out of it, trying to get our balance to \$2 million, and keep a \$2 million unassigned fund balance. So, we're still just a little over that. I think it's a good idea and dropping it by \$0.58 is a bonus as well. Vice Chairman Baiocchi affirms this decision to move forward with Option 1A.

TA Carpenter stated all your options here keep you well within \$2 million. The only thing that the public needs to be reminded about next year, in 2024, we will have the reval, which will create an impact in one way or another. Some properties will benefit based on the market adjustment.

Vice Chairman Baiocchi asked what the reval is going to do to, because in 2014 it spiked.

TA Carpenter clarified that any time you artificially change the tax rate, it's going to create some sort of movement. She doesn't feel it's so much, but it might be felt once the reval is done, but she can't forecast what will happen with the reval.

Chairman Warren stated, as long as we can provide sound financial stewardship, the Board hopes to return as much to the tax payers as possible. So, I think this allows us to do it and maintain the financial stewardship that's necessary. But I do agree that we need to be mindful of those spikes.

Vice Chairman Baiocchi stated, the important thing is that we're getting back to 2021 of our unassigned fund balance being about \$2 million.

OLD BUSINESS:

11. **Tamarack Trail Updated** – Chairman Warren stated, at this time it is a time for our building inspector to speak and give his recommendation. We won't open it up for discourse or public comment until the time for public comment. So, I just wanted to make sure that there's no interjection of just let him speak and you'll have an opportunity in public.

Chairman Warren addressed the Hall's and stated their case was heard last time, and so the Board is familiar with that. Scott wasn't here the last time, so it's important to hear from him.

Scott LaCroix, Building Inspector. The report on today's process, we did have a meeting out there with the surveyor. He was there around 10 o'clock to do the pins for the foundation, if we move forward. The site contractor was out there to remove excess water. He was planning on taking any of the fill and pulling it back up onto the bare lot as per the survey. At that time, I got a call from the office that someone had called the police to stop work out there. So, we stopped. The police came out and I came back to the office, and spoke to Mr. & Mrs. Hall, stating that we were out there to pull it out, like we had said. They can work on it, pull it back onto the property, get it off there, stabilize it. At that point, I went back, talked to the contractor, and he had pretty much had enough, and he was leaving. So, they stopped work. The Hall's said they were having a survey crew out there today to do their own survey.

94 The Town has received surveys from Eckman three times, and this is the newest one that was given
95 today. I find it hard to believe that they're that far off on their plotting. I mean, I believe they have it at
96 about 10 feet or more. I don't know what else to do. It's getting late in the year. We need to get that
97 pulled up and get a foundation in there. That will take care of the water coming off.
98 What you see is the erosion control plan going into where it is now. That's why the bales are going in
99 there. But we moved that back up onto the property. Then they show a straight line of the bales and the
100 silt fencing, which will go into place once we move those back. And then once we move that, pour the
101 foundation, get the drainage in, get the erosion control in place, backfill, and that will alleviate a lot of
102 the water problems out of there.
103 We need to move forward, get the foundation in, and stabilize around what's around there. We have a
104 letter from Mr. George that he will bring back their property to where it was before. He signed it, and
105 it's on the erosion control plan that we will stabilize it, and then bring the property back to where it was
106 before they encroached on it. I've been given these from Eckman, I don't know what else to do other
107 than to move forward.
108 Chairman Warren asked from your estimation in following code and procedures, you're not seeing
109 anything besides the fill that is not on the current property that needs to be reestablished, and
110 acknowledged this is between the landowners.
111 Scott LaCroix stated, it's a follow to a T, erosion control plan, and divert the storm water. As with any
112 property, we're in good shape doing that. But you need to get the foundation in, backfill the drainage
113 around it, and then that will alleviate a lot of the water problems. And we'll get all that soil off their
114 property, and we'll move all the excess soil out, open up that roadway, and bring it back to the way it
115 was before and stabilize it.
116 Chairman Warren asked from the Building Inspector's perspective, the plans and procedures are looking
117 accurate to proceed, and the Building Inspector, Scott LaCroix affirmed.
118 Vice Chairman Baiocchi asked for the plan with the engineering stamp on it.
119 TA Carpenter stated the front one was your engineer stamp. There was another document.
120 TA Carpenter addressed the Building Inspector, when you referenced the erosion control with the hay
121 bales, these new plans don't reference those hay bales, am I not seeing it.
122 Scott LaCroix stated, I don't think that was part of this last survey.
123 Vice Chairman Baiocchi stated I don't have an engineer on it. I've got three with the survey.
124 Scott LaCroix stated, that's what I was talking about beforehand, where if they kept the soil the way it is
125 now, that's why the bales were out into their property. But if you look up here, once that's moved back,
126 the straight line will be on there. All the bales of silt fencing will be on Mr. George's property.
127 Chairman Warren stated, the next question has to do with the well radius. There was a concern about
128 that, which was heard last time, which I'm sure is DES.
129 Scott LaCroix stated, they would have signed off on the approval plan for it.
130 Chairman Warren stated, there's a stamp saying that it was reviewed and approved.
131 Scott LaCroix stated, Gilmanton is not an approval Town so, we don't make any judgment. It just goes
132 right to the State, and they approve all the waivers, if there are any.
133 TA Carpenter stated, the issue that Chairman Warren might be remembering is the statement that it
134 was a nonconforming lot that couldn't have a waiver. That was an old standard, and doesn't believe it is
135 correct standard.
136 Scott LaCroix stated, a lot of times they'll be giving waivers on the system. If it's a clean solution system,
137 they'll allow 50 feet in a lot of instances, depending on the system that's being put in.
138 Chairman Warren addressed Dave Eckman.
139 Dave Eckman stated, he had the plans delivered earlier and can speak to anything the Board has
140 questions about. With existing nonconforming lots, they are not allowed to get any dimensional waivers
141 at all, or it's not buildable. The well radius itself is basically a release, so it doesn't exist over the property

line. In other words, someone else could build their system up to the edge of the property line. They have to be 10 feet off from it.

So, what you have in front of you is the boundary survey, which we did first. That's the first thing you have. Second one is septic approval, which we do that because if you don't get the septic approval, you can't build on it. And then the third thing you have is what the Zoning Board variance was based on. And then the fourth thing is what we're told to get today, which is basically we went out, we surveyed the foundation, but we went out and staked the corners. So, the foundation is close, but it needs to get shifted a little bit to make sure the house gets in the right spot. So that's the last sheet. I think it was done in color. I haven't seen it because the surveyor did it.

Chairman Warren stated, it looks like it might be off by inches.

Dave Eckman stated, the foundation will be in the right spot. In this case, we did the design survey, we did the septic design, we did the variance, and that was it for us. Recently, we've been called back to figure out what's going on. The foundation luckily wasn't built because it would have been shifted a matter of inches, maybe a foot. But at least now it can get in the right spot. So today, they set the corners of the foundation where they're supposed to be. A lot of them fell just off the edge. So, they have to widen the footing. We didn't do the erosion plan, that was a different firm.

Scott LaCroix stated, that's why the stop work order came on when the footings went in because we needed it pinned. We needed to make sure it was in place because it was conflicting between the owners. And that's why the stop work order came on.

Chairman Warren confirmed everything is pinned now.

Scott LaCroix affirmed to these plans, yes. To the best of my knowledge. But I'm not the surveyor.

Vice Chairman Baiocchi stated you have plans for the survey stamp on them.

Scott LaCroix affirmed.

Vice Chairman Baiocchi stated, you have a plan with a PE stamp on it. And you have a DES approved plan.

Scott LaCroix affirmed.

Chairman Warren asked if it was his recommendation for the project to move forward based on the information that he has.

Scott LaCroix stated, the judgement he has is what is in front of him, and he would go with it, yes.

PUBLIC COMMENT – 7:00 p.m.

- Breyer Hall – Abutter to the Tamarack project. I was looking at this erosion control plan, which is the only erosion control plan that I was aware of at the time. I didn't know if there was an updated one that we could see. However, I do believe that this erosion control plan does depict a flow path of surface water.
- Steven Hall stated, this is the third plan I think you mentioned.
TA Carpenter stated, this information was just received today.
- Steven Hall, asked about the survey.
- Breyer Hall stated, if you look at this one, it depicts a line of arrows with the flow path. This is the flow path of surface water that is depicted. If you look at the approved septic design plan by the state right here, it says, no surface water observed within 75 feet of the system. How can one erosion control plan that exists today state that there is flow path of surface waters flowing onto the property when this approved plan does not depict those surface waters?
The Hall's believe that this was because this was done in 2021 when there was a severe drought in the area and/or misrepresentation of the property to the DES. They are talking with the DES about this situation.
The other thing is, this erosion control plan, I do not see any hay bales or anything as depicted on these plans here. And I'm kind of confused as to how somebody can draw up a plan for somebody else's

property. This is showing all of these hay bales to be 99% on our property. That astounds me. Who can make decisions to build on somebody else's property? Who can approve something like this? This is ridiculous.

The other thing is the state of New Hampshire and federal government regulate setbacks for any septic components, the D-box, the leach field, the septic tank. These are all regulated. And I can use a tape measure, if this house is only 30 feet from the back property boundary to the footing, if you look at the approved septic design plan, it's talking about 25-foot pipes running almost end to end between the back of the house towards the property. I understand they're on a little bit of an angle, but with a little bit of trigonometry here, we could easily calculate that there's not enough room in a 35-foot section to be 10 feet from the property line and 5 feet from the back of the foundation. There's only a 40 foot by 15-foot section wide enough to fit the entire septic system.

Plus, this was approved with this well-protected release, which is a waiver, which in the town zoning codes, right here, Section 7, subsection 2, subsection B. If applicable, the owner attains a New Hampshire state approved septic system design without the waiver from encroachment from a well setback or slope requirements, and the owner complies with all other requirements of the town, of applicable town, and state laws and regulations. This is the zoning ordinance for the town of Gilmanton, updated as recently as 2020, which is the most recent update of the zoning ordinance.

In the very next page of that zoning ordinance, it says right here, it shall be the duty of the board of selectmen or the designees to administer and enforce the provisions of this ordinance. In addition, the Board of Selectmen or the designees shall also have the authority to enforce administrative decision of the Historic District Commission. Upon any well-founded information that this ordinance is being violated, the Board of Selectmen shall take immediate steps to enforce provisions of the same by seeking an injunction in superior court or by any other legal and appropriate action.

All of these designs that we're stating have been drawn up by Eckman Engineering with the exception of this erosion plan. This erosion plan is drawn up by GCE Engineering. These designs are all based off of Eckman's designs are all based off of their own survey. The pins were based off of Eckman's survey. We're asking that we have a stay on that stop work order until our surveyor has enough time to complete his work. He was on the lot today; we were there to speak with him. And there was actually an excavator on the property today.

Now, a stop work order does not allow for a swinging of a hammer, let alone an excavator. That does not mean that you're not working there. Bringing an excavator to the property is not abiding by the stop work order. And, again, the Town Zoning Ordinance has requested that there be no waivers. If we can do a small sample of basic math here, this well is depicted.

Vice Chairman Baiocchi requested to go back to the ordinance. He referenced the Historic District part, and requested Breyer Hall to reread the ordinance.

Breyer Hall reread the ordinance. This approved septic design shows the well. Again, there's not supposed to be any releases, and it specifically mentions well release in the zoning ordinance for the Town of Gilmanton. It says the zoning ordinance is 75-foot for well protective radius for the Town of Gilmanton.

I understand that maybe this well release makes it so that it's invisible off property. But if this well is exactly on this front property line, there's 100 feet here. If you have to come 75 feet from that front property line, you have 25 feet of space left. Now, this plan states 25-foot pipes for the center of the system. You have to be 10 feet back on the back property line. That means you have 75 feet, you've got to subtract another 10 feet, you've only got 15 feet. There is not room for this system, not where the house is currently located.

Chairman Warren asked for clarification, you're saying it can't meet the 75-foot protective well radius? Breyer Hall affirmed. If this well was exactly on the front property line, this property line is 100 feet

237 deep. So, 75 feet are taken up by that well protective radius. Any component from the septic system
238 cannot be within 10 feet of a property line. That's State and Federally regulated.
239 TA Carpenter asked to see a copy of the ordinance. She is looking for a date, which reads 3/8/11 online.
240 The updated version for 2023 is 3/28/23.
241 Chairman Warren asked if the plans were printed to scale.
242 Dave Eckman stated no, about half scale.
243 Chairman Warren calculated the dimensions on the plan presented. He requested Breyer Hall explain
244 why he feels like where the septic design does not fit the 75 foot well radius, because he was not finding
245 that it doesn't meet the 75 foot well radius.
246 Breyer Hall stated, any of the components in the septic system are not allowed to be within the 75 feet.
247 The D box, the septic tank, and the leach field all encroach that 75 foot well.
248 Chairman Warren stated, DES has approved that.
249 Breyer Hall stated DES can approve this. They don't care if it's a non-conforming lot. The Town of
250 Gilmanton in their own zoning ordinances says that this is not allowed on a non-conforming lot.
251 Chairman Warren stated, what we're determining is maybe we're looking at an old zoning ordinance
252 regulation.
253 TA Carpenter stated, that's what she would like to confirm.
254 Chairman Warren stated, the other question that I have for whoever wants to speak is the update on
255 the presentation to the zoning board.
256 Breyer Hall stated, unfortunately, as it was listed in the minutes of the last Selectmen's meeting, we
257 were on the zoning board meeting. However, that was not accurate. We were not on the zoning board
258 meeting. We did get to speak a little bit, but not freely, and we were very disappointed in that. We were
259 not allowed to speak in regards to most of the issues we really would like to talk about.
260 Chairman Warren asked, did they give any new information, or did you receive any new information?
261 Breyer Hall stated, very little, because they did not want to hear about Tamarack at the time. So, there is
262 no new information in regards to the zoning, but the same type of issues with all the same players were
263 involved in the zoning board meeting.
264 They talked about the same size property with the only difference being that there was an existing
265 dwelling on the property. They told us that if there was an encroachment discovered within a
266 reasonable amount of time and proper notice was given to the town, and owner, or agents of owner,
267 that before substantial construction was completed, any adjustments could have been made, or could
268 have been stopped, could have been prevented. We have given proper notice to the town. They did
269 note in the minutes of the meeting, and I'm sure it will be available when it gets published, that certified
270 letter would have counted as official notice. And we have sent certified letters to Eckman. We have sent
271 certified letters to all the players involved, including the town.
272 Chairman Warren stated, I think what I'm determining right now, though, is we have approved plans.
273 Breyer Hall stated, all these plans do not materialize in the real world. I understand Eckman saying that
274 this pin takes the corner of the foundation is where they say it is. On paper, that's great. This back
275 footing is 30 feet, 4 inches from the back boundary of the property line. They show the leach field being
276 30 feet, two inches.
277 Vice Chairman Baiocchi asked what date was on the map.
278 Breyer Hall stated, February 18th, 2022.
279 Chairman Warren stated, I would like to offer, if you'd like, an independent review of the information
280 that has been given from our deputy building inspector. If he's available to review the file, I'm willing to
281 offer that. But if he finds the same information that we currently have today, we can't keep holding this
282 process back.
283 Breyer Hall stated, you're only relying on the information granted by Eckman and George's Realty. We're
284 asking for a little bit of time to allow our surveyors to come up with their results and their findings.

There is no disagreement that there was encroachment, even if you go by what they say here. There is still a disagreement on property lines in two dimensions, the side boundary property line and the back boundary property. There's also encroachment on the upper neighbor with removal of trees and debris and dirt and everything else. But none of this construction has stayed within any of the boundaries of this lot.

Chairman Warren asked if there was anything more that the Hall's wanted to present.

Breyer Hall stated, you have a copy of everything I have here. It was discovered in the zoning board, meeting that the ball was dropped by the town, and it was stated that there was a comedy of errors that were not common by Zoning Board Vice Chairman Abbott.

TA Carpenter stated, to the Hall's, you want to hold off until your survey is done. What is the timeline you are looking for? Because in two meetings now, you've said the cease and desist and the stop work, and now you're stating another, and it's kind of vague, so I want to make sure we're pinning down a timeframe that you all are interested in.

- Steven Hall stated, they are not surveyors, they're not sure how long it's going to take.
- Breyer Hall stated, I can't speak on the business of somebody else. But I can say that the stop work order has never been fully enforced because they continue to work there. They continue running pumps, there's erosion on the road, there's an icing problem now that we're getting into colder temperatures. TA Carpenter stated, at the last meeting, you all stated that you wanted the debris that was overflowing on the property to be cleaned up, and you also stated excess water. It was my understanding that the contractor today was cleaning that up. However, he did stop because he had had enough. So those I just want to put on record.

Breyer Hall stated, this contractor couldn't stay within the balance of the lot he was supposed to be staying within. There's no telling the damages that he will incur on our property. To get a septic system replaced, it's upwards of \$50,000 now. And our septic system was sustaining damages. At the moment, with the pumps not running, there's not much continued damages. There's maybe a little from the rain, but we're pretty much out of rain season.

TA Carpenter asked for clarification if he was stating this because of the excess water.

Breyer Hall stated, because of the pumps pumping the water out of the cellar over the erosion barrier. They were over these plastic barriers and hay bales. We did find out that Ekman Engineering sent one set of maps and plans to the State for a septic approval and another set of maps and plans to the Town for building.

TA Carpenter asked if they were saying different plans?

Breyer Hall stated, not the same, correct.

- Steven Hall stated, the State approved it as a dry lot. The State doesn't know about that because it wasn't on the plan. Now the State is aware of that, but the plans keep changing every week. You can't expect us to be able to keep up with everything every week. They change the plan, and we sometimes get it, and we sometimes don't. And we asked at the last meeting to have patience for their surveyor to do his work, it would be the best for both parties. We don't want a lawsuit about the trees. You're at a loss here because we don't have the minutes of the Zoning Board meeting. We should have, but we don't.

TA Carpenter clarified no; we should not have. They're not finished yet.

Steven Hall stated, they're supposed to be due in 72 hours.

TA Carpenter stated no, they're not.

Steven Hall stated, that's why I just asked if you could read the minutes of the Zoning Board and talk with the Chairman and let the surveyor finish his work. You mentioned something about an independent building Inspector. I'm for that, I think we should do that.

- Breyer Hall stated, our surveyor did speak with Eckman's team today. There was not a licensed land surveyor on site today, at all. So, any pinning of the foundation was not done by a licensed land

333 surveyor. And our surveyor did speak with them and requested notes and information regarding their
334 survey.

- 335 • Dave Eckman stated, first of all, the ZBA, I just want to mention, that they weren't on the agenda. And if
336 you see the notes, you're going to see that it was for another project.

337 So, I'm not sure which surveyor they've got now. Previously, there was another surveyor they hired; he
338 was the president of the Surveyor Association. We gave him all our records, all our files, what we tied
339 into, the reference plans, everything, via email and a worksheet, plus our boundary survey. So,
340 obviously, my surveyor does a lot of research. And just to be aware that the licensed guy doesn't always
341 go out and turn the gun around. I mean, that's just math, it's just turning an instrument as data loggers.
342 So, the crew on site was strictly there to locate the four building corners. But he doesn't go out in the
343 field and set building corners. It's just not something he's going to do.

344 He may determine whether something is legit or not, which we actually did. We had some shell camp
345 pins from the original subdivision. We had some Brian Bailey pins. I'm an engineer, not the surveyor. But
346 we tied into everything as best we could. And, I mean, we're where we need to be. If there's a
347 discrepancy, it's going to be a matter of inches because someone holds something slightly different.
348 I did want to say how we do the process. We started, believe it or not, with an environmental scientist, a
349 wetlands scientist. We went out and walked the site. It's an existing nonconforming lot. Very difficult.
350 But we always check it first. If you don't meet any environmental setback, it's dead. So, we had Robert
351 Stewart, licensed wetland scientist map everything. There was a drainage swale which had to be
352 diverted from the bed. You can't let that run into your bed. So, on our plan, there's a diversion of a
353 drainage swale. That was the first step.

354 We did the boundary survey. First of all, we can't go to the zoning board unless we have an approved
355 septic. We want to make sure it's viable. We got the septic system first. After we get the septic design
356 approved, now we've got a viable system. Then we've got to go see about a variance. So, it's an existing
357 nonconforming lot. The question is, is it buildable or not. The septic proves it's buildable. So, then we
358 went to the zoning board. And we fit the house the guy gave us at the time, put it on there and got a
359 variance. He ended up building a smaller house. I know that because he gave our surveyors the shape so
360 he could pin it.

361 I've never been in a spot where somebody's gone over the property lines. I mean, I can't speak to that.
362 That's not my purview. I'm the engineer that designed it.

363 Now, as far as I heard, I heard a bunch of stuff on the septic system. I've been doing this 30 years. I'm a
364 licensed engineer. I do commercial, big giant septic systems, little ones. A high school kid can pass a
365 septic designer's test. But what you do need to know is that you can do 50 feet to a D-box or septic tank
366 if you use the right pipe. You don't need waivers. You don't need like a stronger pipe. That's in the rules.
367 And the other thing is the well release protects the state.

368 In other words, the state is on the hook for your well. because of the 75-foot setback. If you release that,
369 then they're not. And that's why the well release goes with the deed forever. It's not your regulations.
370 They haven't done any other ones. But basically, the regulations say that you can't have any dimensional
371 waivers. So, in other words, I can't take a 3 to 1 slope and make it 2 to 1. I have to keep the 10 feet.
372 We can do those on normal mods if there's reasons and cause that give you waivers. We didn't go for
373 any dimensional waivers on anything. Everything worked. We did a well release. And as far as the 50
374 feet to the septic tank, that's legit because of the type of pipe.

375 Today they were out there staking it. I had Aaron put a plan together. There are some colors on it, I
376 believe. You'll see the foundation was a little off. So, we showed where the red line is where it's
377 supposed to be. And they're going to fix it. So, there's not going to be any such thing as a wall that's
378 outside of where it's supposed to be.

And I believe the building's a little smaller. There's a gray line that was what was approved by the zoning board. And I think they made the house a little bit smaller than that, which is the inside of that box to meet the zoning.

We had a wetland scientist map to go check everything. I'm a licensed engineer. We have a licensed surveyor. I'm a licensed septic designer. And then we have a licensed environmental scientist, a wetland scientist reviews it. So, we've done everything above board. You could potentially hire another expert, another licensed person, to look at stuff. But I caution you on listening to just what anyone says from the public.

It's highly possible that someone could measure something and think that oh, this is wrong. If it gets to that point where the septic is built, the state inspector comes out, verifies everything, then allows them to backfill. And they can't get operational approval until it's completed.

To my knowledge, we've done everything right. Our surveyors are very good. We've been doing this a long time. They said they did all the research. In fact, we talked to a surveyor today. He already had Brian Bailey's reference plan out there. We found five points, three from the Shellcamp, two from Bailey's. We tied into everything and did a best fit based on what we found. It is possible if he does it, it could be a few inches different, but he's going to hold the same information. So, it's all about how you tie it together. We do a method of looking at all of them and doing the minimum. We find the most accurate solution by looking at a lot of different dimensions and rotating it in.

I know I'm not the surveyor. I got my license as an engineer, but I went and sat for that surveyor training because it was interesting. Anyway, so that's not the role. But I think I said what I needed to on the facts about the 50-foot.

TA Carpenter stated, I'd like to clarify just a couple things. So, the ZBA agenda, you can only be on the agenda if you have an application. They have the option to hear public comment through their regulations, which you were. The Fox Drive that they're mentioning is a similar property in size, however not the same property. And that night they went to the ZBA was not there to speak about Tamarack. The decision in their mind has already been made. I have not gotten clarification on any mistakes made. I have not confirmed with the Community Development Director on that topic either. She was out sick today. As far as Friday, I got no confirmation. So, if the board wants to have our deputy go through to confirm, to pull in any comments made from ZBA, to consider Scott's recommendation, and then the statements paired with the information received, I think that would be wise.

Chairman Warren stated, there's not going to be any further comment. I'm trying to fact find, and we're trying to serve all parties that are involved, including you. We've heard this information. I understand you're frustrated. I understand you're in this process.

Steven Hall stated, I'm frustrated because I do understand exactly what he did. He gave one plan to the state of New Hampshire, and it was approved with no waivers. And then he turned around and gave another plan to the zoning board, and he used a waiver. And the policy says no waivers allowed.

Chairman Warren stated at this point in time, I'm going to close our public comment. We can make a decision tonight to have this project move forward. And we're giving you options to be able to say we'll have independent review to look at it. And so, we're trying to support all parties involved and get all the information.

Chairman Warren stated, we will make a recommendation that our deputy will review the file. If our deputy cannot find anything different than what has been presented, I don't think it's fair to have a project be held up. And if he's not finding anything that is contrary to what has been presented or is right, then we'll release the project to continue moving forward. That closes this portion of this business.

SELECTBOARD ITEMS, FYIs, AND OTHER TOPICS

12. Hours Discussion - This was a topic of understanding over time hours.

Vice Chairman Baiocchetti stated he wanted discuss this further when Selectman Collins was present.
This will be placed on the agenda for the next Board of Selectmen meeting.

- ☐ **Action Item:** Add this topic to the agenda for the next Board of Selectmen meeting on December 4th.

TA Carpenter updated that Bre should be in tomorrow but if she is not she is going to have her process the warrant from home. We'll coordinate with Elise, and then we'll need you to come back and provide a signature to that warrant.

Motion: On a motion by Chairman Warren and seconded by Vice Chairman Baiocchetti it was voted to move into Non-Public RSA 91-A:3, II (b). (2-0)

RSA 91-A:3, II (b) The hiring of any person as a public employee.

Motion: On a motion by Chairman Warren and seconded by Vice Chairman Baiocchetti it was voted to come out of Non-Public RSA 91-A:3, II (b). (2-0)

This Non-Public was held to discuss the status of a Facility Coordinator position.

Motion: On a motion by Chairman Warren and seconded by Vice Chairman Baiocchetti it was voted to adjourn. (2-0)

Adjourned - 6:37 p.m.

Respectfully Submitted,



Amanda Davis, Administrative Assistant

Approved by the Board of Selectmen



Chairman Mark E. Warren

Vice-Chair Vincent A. Baiocchetti

Selectmen Evan Collins