

APPROVED

**Board of Selectmen
9 April 2012
Minutes**

5:03 pm – Chairman Hatch called the meeting to order. Present were Chairman Hatch, Selectmen Ralph Lavin and Brett Currier, Town Administrator Tim Warren and Clerk Lois Dionne.

Rocky Pond Association has requested a check for the money appropriated at Town Meeting to fight milfoil. After discussion, it was decided to give them half the money now, and half in the fall. Tim will inform the association.

5:05 pm – Selectman Lavin moved to enter into Non-Public Session per RSA 91-A:3, II(a) - Dismissal, promotion or setting compensation for public employees or the investigation of any charges against him, unless the employee affected has a right to a meeting or requests that the meeting be open, in which case the request shall be granted. Selectman Currier seconded. Motion passed 3-0.

The Selectmen discussed a personnel issue.

5:47 pm – Selectman Lavin moved to come out of Non-Public Session. Selectman Currier seconded. Motion passed 3-0.

MOTION – Selectman Lavin moved to seal the minutes of the above non-public session. Motion passed 3-0.

5:50 pm – Selectman Lavin moved to enter into Non-Public Session per RSA 91-A:3, II(a) - Dismissal, promotion or setting compensation for public employees or the investigation of any charges against him, unless the employee affected has a right to a meeting or requests that the meeting be open, in which case the request shall be granted. Selectman Currier seconded. Motion passed 3-0.

The Selectmen discussed a personnel issue.

6:02 pm – Selectman Lavin moved to come out of Non-Public Session. Selectman Currier seconded. Motion passed 3-0.

MOTION – Selectman Lavin moved to seal the minutes of the above non-public session. Selectman Currier seconded. Motion passed 3-0.

6:10 pm – Selectman Lavin moved to enter into Non-Public Session per RSA 91-A:3, II(c) - Matters which, if discussed in public, would likely affect adversely the reputation of any person unless such person requests an open meeting; however, this cannot be used to protect a person who is a member of your Board, Committee or Subcommittee. Selectman Currier seconded. Motion passed 3-0.

The Selectmen discussed a tax issue.

6:15 pm – Selectman Lavin moved to come out of Non-Public Session. Selectman Currier seconded. Motion passed 3-0.

Tree Corner Mountain & Canney Hill Road – Selectman Currier said he had looked at the tree on the Corner of Mountain & Canney Hill Road that had been brought to the Selectmen’s attention last week. He said the tree needs to come down, and a crane would be needed to take it down, therefore, the highway department could not take it down.

MOTION – Selectman Currier moved to have Dockham take that tree down using his crane, and to take the birch beside it. Selectman Lavin seconded. Motion passed 3-0.

6:16 pm – Selectman Lavin moved to enter into Non-Public Session per RSA 91-A:3, II(c) - Matters which, if discussed in public, would likely affect adversely the reputation of any person unless such person requests an open meeting; however, this cannot be used to protect a person who is a member of your Board, Committee or Subcommittee. Selectman Currier seconded. Motion passed 3-0.

The Selectmen discussed a tax issue.

6:20 pm – Selectman Lavin moved to come out of Non-Public Session. Selectman Currier seconded. Motion passed 3-0.

Overage /School Budget – Last week a resident asked what happened to the money the school department reported that they return to the Town. The money is not deposited into the general fund, and no one knew where the money went. Selectman Lavin was going to look into where the money is.

Selectman Lavin reported that he found out the school district keeps the money in an account for three months; they can’t use the money for anything else, and then gives the Town credit toward next year’s taxes.

Gilford High School National Honor Society has offered to plant a perennial garden at the Academy Building. They would provide all the bulbs and labor free of charge. After discussion, it was agreed that a garden around the flagpole at the Academy Building would look nice. Tim will follow up with Christopher Weeks.

Gilmanton Corners Library will be having an open house on June 2nd to celebrate their 100-year anniversary.

State Auction will take place on May 19th, any items to be auctioned have to be there May 10th or 11th.

Lakes Region Public Access (LRPA) – Last week Tim Warren stated that there were about four out of the twelve towns in the consortium negotiating a contract with MetroCast Cable that belong to LRPA. He was informed that was incorrect information. Tim said he found out that six out of the twelve towns belong to LRPA.

Tim stated that it would cost Gilmanton \$8,2000 per year to air the Selectmen's meetings over LRPA. Selectman Currier felt that was too much money. Selectman Lavin agreed; he said he had spoken with people, and they are not interested in having the meetings aired. Chairman Hatch noted that when the meetings were televised, we never knew when they would be broadcast.

Selectman Currier stated that when SB-2 goes into effect, we might want to have something on TV, but we should look at it when the time comes. Tim Warren said we could put it on a warrant article next year. Selectman Lavin said he would rather, if it is possible, if we are being filmed, update our website and show the meetings on the website.

Grant Writer – Tim said there is a grant program that would assist the Town with their Master Plan update; the planning clerk has asked permission to speak with our grant writer to pursue that. Permission was granted.

6:34 pm – Selectman Lavin moved to enter into Non-Public Session per RSA 91-A:3, II(c) - Matters which, if discussed in public, would likely affect adversely the reputation of any person unless such person requests an open meeting; however, this cannot be used to protect a person who is a member of your Board, Committee or Subcommittee. Selectman Currier seconded. Motion passed 3-0.

The Selectmen discussed a tax issue.

6:38 pm – Selectman Lavin moved to come out of Non-Public Session. Selectman Currier seconded. Motion passed 3-0.

Approval of Minutes – MOTION – Selectman Lavin moved to accept the minutes of April 4, 2012 as amended. Selectman Currier seconded. Motion passed 3-0.

6:43 pm – Selectman Lavin moved to enter into Non-Public Session per RSA 91-A:3, II(c) - Matters which, if discussed in public, would likely affect adversely the reputation of any person unless such person requests an open meeting; however, this cannot be used to protect a person who is a member of your Board, Committee or Subcommittee. Selectman Currier seconded. Motion passed 3-0.

The Selectmen discussed a tax issue.

6:47 pm – Selectman Lavin moved to come out of Non-Public Session. Selectman Currier seconded. Motion passed 3-0.

6:49 pm – Selectman Lavin moved to enter into Non-Public Session per RSA 91-A:3, II(c) - Matters which, if discussed in public, would likely affect adversely the reputation of any person unless such person requests an open meeting; however, this cannot be used to protect a person who is a member of your Board, Committee or Subcommittee. Selectman Currier seconded. Motion passed 3-0.

The Selectmen discussed code enforcement issues.

7:01 pm – Selectman Lavin moved to come out of Non-Public Session. Selectman Currier seconded. Motion passed 3-0.

Public Input – A large group of residents were present for public input.

Suncook River Nomination – Cheryl Stafford asked how the Suncook River Nomination affects landowners.

She was told that if the nomination were to go through, a committee would be formed to ensure water quality; it falls under the shoreland protection act.

Jim Stafford stated that he couldn't find out any information; he contacted the Suncook River Committee, and was given links to go to, but every one of the links said, "document not found". He asked why everything is happening in secret.

Jim Munsey said he organized the paperwork distributed to residents regarding the nomination. They are concerned landowners, and don't agree with the nomination. He said the Town has known about it for a long time; it could have been brought up at town meeting. Mr. Munsey added that the Selectmen had sent a letter of approval for the nomination; the conservation commission has also sent a letter of approval to go ahead. If you live within a ¼ mile of the Suncook River high water mark, you are about to become a riparian landowner. He also noted that not everyone had received the

postcards informing the landowners of a meeting to be held in Epson; people shouldn't have to go to Epson to find out what is going on in Town. Mr. Munsey was also concerned that none of the local representatives on the committee live on the river.

Chairman Hatch asked what the fear was the residents have in preserving the Suncook River.

Marty Martindale expressed surprise that the property owners had not heard about the nomination and the scope of what is going on. He agreed that the members on the committee are not property owners who would be directly affected by the nomination and are not representative of the town.

Mr. Martindale is a member of the planning board, who he said works closely with the Conservation Commission, and they (planning board) have adopted aquifer overlays and work to protect our natural resources. He is leery about turning regulations of the town over to the county, state or anyone, and expressed concern that extending the 250' setback that is now in place through the Shoreline Protection Act, to ¼ of a mile is ludicrous, and the total of some properties would be affected, and would devalue property, but would not drop the tax burden.

Chairman Hatch said it is handled by the LRPC (Lakes Region Planning Commission) because it affects many towns; there are fewer people in Gilmanton affected than in the other towns.

Amanda Bowman stated it is up to the individual towns if they want to participate, and expressed concern about how it would affect building on properties on the river.

Cindy Houghton felt this demonstrated that the \$8,200 fee for LRPA would be put to good use to be able to get this kind of information to the residents. She asked for clarification as to where we are in the nomination process.

Chairman Hatch read a letter of support from the Selectmen (copy attached) for the nomination dated June 30, 2011 into the minutes. She informed the residents that after the issues were raised last week at public input, the Selectmen were meeting with Dave Jeffers of LRPC at 7:30 tonight to get clarification. Mr. Jeffers was among the people present.

Morton Young opposed the nomination; he was concerned that landowners would not be allowed to cut trees of a certain diameter on their property if the setback from the river was extended to ¼ mile. He felt this would affect subdivision of property, and thought there were fertilizer and petroleum concerns in the Shore Land Protection Act. He pointed out that the Town shed in the Iron Works is within that ¼ mile setback, and all the fuel tanks are above ground there, so there would be an additional liability to the taxpayers.

Page Totman expressed concern the ¼ mile setback would go through their living room and onto the road making her property useless; she never received a postcard.

Neil Totman said the fear is the unknown; no one knows anything; he wants to protect the river, but not have to jump through hoops to build a deck.

Eddy Williams expressed concern that he wouldn't be able to cut firewood on the 15 acres of land he owns. He asked if the Selectmen intended to go back and answer each of the questions individually. He said his impression was that this is a done deal, and asked if it is so, is it permanent or if could be undone.

Chairman Hatch said this is public input, but she would try to get answers to the questions when they meet with Mr. Jeffers at 7:30. She invited all the residents to stay and listen to the conversation with Mr. Jeffers. Chairman Hatch added that when they meet with Mr. Jeffers, there would be no public comment.

Bill Stendor said he didn't understand; if they do anything to their property, they have to notify abutters. He didn't know anything about it, and never received a postcard; this is taking rights away from property owners, and devalues property.

Lisa Gosselin was concerned that it would affect her entire property, and that it could once you are in this, as she said has happened in other parts of the state, result in having the state take property by eminent domain. She was concerned it might also affect her house insurance, and asked who we could talk to at the State level to have it undone.

Nicole Beauregard felt if this goes through, they would be so restricted, and for the taxes they pay, they would be better off to rent.

Ron McPherson wanted to get something in the minutes to amend Gilmanton's piece of the waterway.

Jim Munsey said we have until June 1st to stop this. He asked the Board of Selectmen to rescind their letter of approval.

Richard Puelo has 2,500 feet of property along the river; he shares this with hunters, fisherman, etc. He felt this would adversely affect his property, and timber harvesting would be harder. He asked for the Town not to participate.

Jan Zocka said we need answers before we move forward.

Cindy Houghton stated if it isn't broken, don't fix it.

Marty Martindale wanted another input session with the Selectmen, LRPC, and the Conservation Commission to get answers and have meaningful input.

Joanne Stendor asked to adjourn to a bigger room so everyone could hear Mr. Jeffers.

7:32 – Chairman Hatch closed public input, and the meeting was moved upstairs.

Meeting Reconvened upstairs.

Chairman Hatch explained that Mr. Jeffers had been asked to meet with the Selectmen tonight to address concerns about the Suncook River Nomination that had been expressed last week at public input. She reiterated that this is not a public hearing; she would present the concerns expressed tonight to Mr. Jeffers, but there was to be no public input. Chairman Hatch asked Mr. Jeffers to give an overview of the Suncook River Nomination.

Mr. Jeffers explained that in 2006 when the Suncook River changed course in Epsom, residents in that area got together to see what could be done to ensure such events might be minimized in the future. This led to regional discussions in the five communities from Pittsfield down to Allenstown, and they came up with a list of things to do for the river. Some had to do with public safety, natural resources and activities that impact the river, including dams and hydroelectric power. They had dialogue with DES and the Dept. of Safety, and came up with a list of twenty-three things they might do. One was to explore the nomination of the river into the Rivers Management Protection Program, a program that has been around since the 1990's; there are eighteen other rivers involved, over 1,000 miles of river running through one hundred fifty communities throughout the state.

He said at that point the five communities felt they should begin dialogue with the two other communities (Barnstead & Gilmanston) along the river. He said the program looks at the river corridor ¼ mile on each side of the river. He said the program keeps in place existing programs for properties already in the shore land protection area, and sets up a local advisory committee with representatives nominated by Selectmen from each community. If the nomination goes through, those people would serve on the committee, and would, with a great deal of community input, develop a river corridor management plan to set out goals for the river. The local advisory committee has the opportunity to give input on permits. If someone within the corridor has to fill out a wetlands permit, they would just submit an extra copy of the permit; there is no extra permitting required in the program, but the local advisory committee has the opportunity to provide input. He said it is an enhanced way to improve coordination and cooperation of communities in the corridor.

Chairman Hatch stated that the residents had expressed concern about woodcutting on their property, insurance factors, diminishing of property values, extra permitting processing to do anything on their property. She said the area affects three to four miles of property in Gilmanston.

Mr. Jeffers said it doesn't put on extra permits. It does not affect timber harvesting; you just have to follow the local or state regulations regarding timber harvesting. He said it

would not directly impact insurances, and one of the reasons for the program is to protect and preserve the quality of the riverfront. This stays within the local zoning ordinances.

Chairman Hatch said she had been told last year that whatever planning and zoning guidelines and building department regulations were in place would not be impacted by the advisory committee, which is why she supported the advisory committee to protect the water; she had no intention of taking away property owner's rights. She asked if this were correct. Mr. Jeffers replied that it was. Gilmanton's local zoning guidelines would not be affected. He reiterated that all of the Suncook River is within the Shore Land Protection act, which has some limitations on what can occur within 250' of the river. Rachel said we already have that in effect now.

Rachel said what she had heard from residents tonight was concern about losing rights as property owners, having extra layers of "to dos" to do timber harvesting, building, etc. She said when they had initially spoke a year ago, and that question was asked, she understood this would not impact any of the property owners; this is an advisory group, and Gilmanton was asked to be part of a consortium with other communities through which the Suncook River flows.

Mr. Jeffers agreed, and reiterated that the one layer is when a property owner wants to do something that would require a DES permit, an extra copy of the application would be sent to the local advisory committee, who would review it and give input to DES.

Selectman Lavin asked if the rules and regulations are not changing, what is the point?

Mr. Jeffers said the primary thing is the opportunity to provide local input. He said there is a limitation of spreading of septage, and prohibits taking water outside the Suncook River Watershed, i.e. no one could pump water into any town not within the watershed. A major benefit would be cooperative planning with the other communities along the river. The local advisory committee would be advised of what is going on in other towns on the river.

Chairman Hatch again asked for assurance that this would have no impact on the property owners whatsoever, not devalue the property, not require extra steps to obtain a building permit or timber harvesting.

Mr. Jeffers stated that the intent is not to impact property owners substantially, and not in an adverse way, but to respect the current activities and the way people use their land. He said the committee has been meeting monthly; the committee has two representatives from each community working to see what would be best for various sections of the river. There will be a public information session on April 18th at 6:30 pm in Epson for all communities along the river.

Mr. Jeffers said the nomination application has to have public support to go through. The river coordinator for the state will review it, along with DES. Letters of support have to

be submitted with the application by June 1st. There will be a field trip to various cites along the river in July. The application will then go to the Legislature, who will bring it to the House for consideration, and if approved, would then be sent to the Governor.

Selectman Currier asked if Gilmanton could, because of the number of angry homeowners opposing the nomination “pull the plug” on the approval.

Mr. Jeffers said it is possible, but we wouldn’t have input in any projects that might to on in the corridor.

Tracy Tarry, Conservation Commission Chair, said they had been asked by the BOS, specifically, Selectman Lavin, to represent the community on the committee. She said the committee is made up of, not just conservation commission members, but a local police chief and selectmen and is a process meant to get the public involved, and if it goes forward, could be made up by anyone interested. Mr. Jeffers said they try to get three people from each community. Tracy encouraged people to get involved and go to the meetings. Tracy said she didn’t have a formal presentation, but would answer a few concerns. Chairman Hatch stated that this was not a public hearing; she had allowed Tracy some latitude, but would like her to address concerns that had been presented.

Tracy said the nomination gives communities the opportunity to work together; more than anything else it is an advisory committee. She reiterated what Mr. Jeffers had said that there would be no new permitting required, just the extra copy of applications that had to be submitted to DES. She said what would be affected would be things such as the construction of hazardous waste facilities, new dams and spreading of septage along the river.

Tracy added that all their meetings have been in public, but no one had shown up.

Dave addressed the concern that not all of the residents had received post cards about the meeting in Epson. He said they are required by RSA to notify all riparian landowners along the waterfront. He said they identify properties that touch the water, which is not every property in the corridor.

Chairman Hatch asked the Selectmen how they felt about what had been presented tonight. Selectman Currier said he is a proponent of landowner’s rights and didn’t feel there is a problem in Gilmanton Iron Works along the river. He felt the State and Conservation Commission are very knowledgeable about what is going on, and he has a hard time of another layer; he would “pull the plug”. We aren’t going to hurt the river, but we would hurt a lot of landowners by going ahead; he felt there is a reason we aren’t able to see.

Selectman Lavin stated that he had voted against it a year ago, and will vote against it again. He felt with the planning board and conservation commission, there are enough people out there keeping track of things, we don't need another group.

Chairman Hatch stated that in order to withdraw, she would need a formal motion.

Mr. Jeffers said he had spoken with Jackie Coburn, the rivers coordinator last fall, and she would be happy to come speak about this concern, she was not able to make it tonight, but would be glad to speak to the town.

MOTION – Selectman Lavin moved to remove Gilmanton from the nomination process. Selectman Currier seconded.

There was a brief discussion of the motion. Tracy Tarr didn't feel the motion should be made since this isn't a public hearing, and there is no urgent need to make the decision tonight; there is a public meeting next week in Epson. Chairman Hatch said there was a large group of angry citizens who expressed their concerns, which she had presented to Mr. Jeffers, and two selectmen expressed their desire to withdraw. She now has a formal motion to withdraw. Tracy said she had not known about this meeting until this afternoon. Chairman Hatch said the Selectmen had been unaware that the residents would be here until public input tonight.

Chairman Hatch called for a vote on the motion. Motion passed 2-0. Selectman Lavin-yes, Selectman Currier-yes, Chairman Hatch abstained from the vote.

8:37 pm – The Selectmen moved back down stairs where a motion was made by Selectman Lavin to adjourn the meeting. Selectman Currier seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk

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30 June 2011

NH Department of Environmental Services
6 Hazen Drive
PO Box 95
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The Town of Gilmanton is pleased to provide this letter of support for the proposal for 604(b) Water Quality Planning funding to support the development of the nomination of the Suncook River for inclusion into the New Hampshire Rivers Management and Protection Program (RMPP).

We feel that the future nomination of the Suncook River would foster coordination among the communities along the River, and would provide cooperation opportunities for this regionally important watercourse and its surrounding areas.

We look forward to participating in the nomination process and a future Suncook River Local Advisory Committee.

Yours truly,


Donald J. Guarino – Chair


Rachel Frechette Hatch

Ralph L. Lavin
Board of Selectmen

