

LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
July 22, 2015

Members Present: Chairman Fred Douglas and Selectman Mark Schultz.
Selectman Lee Mayhew was absent.

Staff Present: Town Administrator Russ Boland, Kent Perry

Public Present: Mike Decubellis, Sharon Akers. Kevin Leonard from Northpoint Engineering.

Media Present: Jessie Salisbury and Ashley Saari

Recorder: Kathleen Humphreys.
The meeting was called to order at 6:04pm.

Consent Agenda:

Review and signing of consent agenda items

- a. AP Warrant 7/22/2015
- b. Payroll 7/23/2015
- c. Records Retention Policy
- d. NRPC Contract-Mapping
- e. Abatement 215-012-000
- f. Abatement 222-010-000
- g. Abatement 215-044-000
- h. Abatement 220-034-000
- i. Abatement 235-015-000
- j. Oaths of Office: Johanne Woods, Deputy Town Clerk/Tax Collector
Bob Rogers and Bret Mader, Planning Board
Greg Kreider, Alt. Conservation Commission
Clayton Brown and Stephanie Roper, Heritage Commission

Appointments: 6:05pm

The Conservation Commission members Mike Decubellis, Sharon Akers were present.

The ConCom reviewed a copy of a letter from the State Forester regarding two logging operations on Crooked S Road. Chairman Douglas provided a brief history of what residents that walked property reported. It was noted that tree tops were in a seasonal stream, equipment sinking in the wetlands while the land was disturbed.

According to Selectman Douglas, as a result of the State Forester visiting two properties on Crooked S Road to investigate logging/wetland violations, the state forester recognized that Lyndeborough has not defined great (prime) wetlands and asked what it would take to get that accomplished. Mr. Decubellis also confirmed this at the meeting and went on to provide comprehensive information on forestry regulations.

Mike Decubellis reviewed forestry regulations and said that forestry is well protected in New Hampshire.

The top level wetlands are called prime wetlands. Protecting prime wetlands in Lyndeborough was voted on at town meeting. It needs to be more than two acres and there is a rigid process to justify.

Regulations also provide buffers for forestry and vegetation. Loggers can't take up 50% of the basal area within 50 feet of the wetland and can't pull stumps or leave it slashed. Beyond the Prime Wetlands there is Shoreline Protection Act which provides greater protection. The Water Quality Act protects ponds 10 acres or larger. Fourth order streams are protected with vegetative removal protection. People can't mow up to the river or pond with forestry rules for a buffer zone. The area is allowed to be logged but can only take certain amount.

DES permitting is required for projects and erosion is not allowed. Equipment is not allowed to drive through streams without a permit in advance. After an application is approved then ConCom receives a copy of the application. There could be a limited impact permit. Wetlands crossings are required to supply a map with wetland and crossing and when DES signs then the ConCom has 30 days to respond. The ConCom has not seen any of the permits in years.

It was discussed there is very little time to intervene with concerns in the logging application process.

Mr. Decubellis explained wetland can be logged when no damage would occur, such as when the wetlands are frozen or bone dry.

In terms of the Crooked S Road logging operation, no permits for crossing were seen. Mr. Decubellis believes they would have needed a Forestry Notification with Minimal Impact.

Mr. Decubellis said the process is convoluted. The application timeframe is short and applicants are not required to ID wetlands crossings in advance. Best management practices should be followed but it's not law.

The town would like to hire a forester and discussed the benefits of that with the ConCom. In Mr. Decubellis' observation "When a forester is used the project ends up better and with more money. Most people who don't use a forester, it ends up a mess."

A town forester would make sure the stumpage tax is accurate but would be limited to his/her ability of enforcement.

The idea of a detailed handout to accompany logging operations was discussed that provides best management practices for the operation.

Chairman Douglas explained the state forester also addressed the violation of cutting right into the stream on the Freischlag logging operation. The temperature of the streams will rise. Mr. Decubellis explained, "That's bad news because Lyndeborough is known for cold water stream because of its elevation and the streams feed other areas. I've seen trout as far up as French Road."

Mr. Decubellis felt to start with the filing process to make loggers aware the town is watching and expect them to file BMPs and be respectful along streams.

A recent problem with the logging operation resulting in ruts and road erosion on French Road was discussed. Eight crossings were cut in the stone walls. The blade was used to scrape the road after creating ruts which caused erosion issues.

There is a book at Citizens' Hall that identifies streams but it does not go all the way up because they are headwaters and Lyndeborough is the very start.

Land conversion after a logging operation was discussed. The timeframe is 180 days to convert the land to another classification. Mr. Freischlag's logging operation started in July 2014, a year ago.

The Conservation Commission will work with the town office to devise a handout. Mr. Decubellis said it's the town's responsibility to tell the logger if they are doing something wrong on the town road. It was discussed it could be town policy to allow logging anytime but the applicant must stabilize the road before work begins or do it when it's frozen.

Mountain Road Project Update

Kevin Leonard from Northpoint Engineering was present with preliminary plan.

National Heritage Board looks for endangered species, artifacts or other things that would complicate permitting and so far nothing has turned up.

Design Goals:

- Protect Badger Pond and intermittent streams.
- Use existing crossing sites to respect landowners and not impact new landowners.
- Maintaining existing road width; about 21 feet but may have obstacles in some sections.

In sections C from #444-446 Mountain Road they identified areas for geotechnical analysis. The road base treatment may vary.

The project should minimize impact to abutter property. The section by Bill Welch's property was discussed as he had a conversation with the town about it.

The section near Hunter's Cot found a more modern-day stone wall and that is not the property line.

Road Agent Kent Perry will assist with geotechnical engineering to probe for ledge in section C for test pits.

The goal is for 21 foot width and 4 inches of pavement.

Mr. Leonard asked the Board to start to think about trees along the project. Trees are pretty and historical and for a scenic road it makes a difference. The other mentality is to remove trees to eliminate trees roots, to help with grading road and eliminate shade for winter conditions. Mr. Leonard said trees are obstacles.

Mr. Leonard showed maps that had drawings of road constructions. He provided an informational handout and maps. Grading was also illustrated. Curbs were discussed and if they might be used as well as riprap ditches.

In Segment B; Hunter's Cot the goal is to improve geometry. It's a 4% grade coming up the hill then 3% down and limited by ledge. Guard rails should be installed when the grade is steeper for 3:1 for a long duration.

There is a culvert and stone pillar for water drainage at 444-448 Mountain Road.

Section D has a culvert that floods often. A watershed analysis is planned. Its steep; an 8-10% grade and has a few cross culverts.

Next steps are:

- Geotechnical report
- Test pits on ledges
- Analyze mainstream crossings for watersheds
- Begin to understand town's position on trees and idea of curbing.
- Design vertical road and show impact on the slopes up and down the corridor
- Understand Bill Welch's opinion and have a conversation with him. If the rock wall is moved back 10 feet they could get adequate drainage. There are different ways to do this formalized in perpetuity agreement. He should be informed that curbing is another option. There are differences of putting the wall back such as hiring a stone mason there are different levels and different cost and Mr. Welch has to be part of the decision making.

In terms of the permit processing the Shoreline permit is a formality. Alteration Terrain Permit generally takes 45-60 days. Northpoint Engineering wants to get out in front of the permits so they are in place.

Notifying abutters and a timeframe was discussed.

Mr. Leonard commented it's a good size project in a rural town. The size of the crews was discussed if it will be a company with one crew or multiple crews working at the same time. Discussed pros and cons to bidding the work before town meeting. Discussed granite vs asphalt curbing.

Community Forum

Jessie Salisbury commented:

- Heritage Commission is aware when an intent-to-cut is given. The applicant is handed-out an advisory asking the logger to watch for cellar holes and to take care of it. The commission would like to add if you find a cellar hole, chances are there is a well, and be careful not to fall in.
- Near Badger Pond is a documented Indian burial ground but it is on the other side. Mrs. Salisbury informed the Board the last person who accidentally violated it had to put the stones back. The location is on the Schmechel's lot.
- The Woodward monument repairs were completed.

Old Business

Town Administrator Russ Boland reached out to other alarm company bidders and they all have the indemnification clause and its standard in their contracts.

Innovative Security is open into looking into Property Liability Trust language which is "Our fault we cover it, your fault you cover it." It was noted it was the will of the Board to allow Mr. Boland to enter into conversations with Innovative Security or other companies.

Ford F550. It was confirmed Freightliner does not have the mechanism for a short term lease. All parties felt buying the new truck should wait until next year and after town meeting. If the truck goes down they may have to rent.

Village Flagpole illumination: In researching how to light the village flag pole it was discovered that no one has been paying for the light. It was discussed at one time it was the responsibility of the Fire Department Association. Eversource said the town does own the light. The matter is being investigated. It was discussed the town can eliminate \$200 costs per year for the light in the front of Citizens' Hall.

The Board will consider taking responsibility of the electrical box in the Village. It will be added to the next agenda. It was suggested Board members can ride and look at the street lights that could be removed.

Old lights were discussed and Mrs. Salisbury felt it was a leftover of the old gas lights. Mr. Perry mentioned the lights at Brandy Brook may be at the entrance to the old bridge. Better lighting at Town Hall and the garage for improved safety was discussed.

New Town Business

Propane Contract for 2015-2016

Suburban Propane quoted \$1.82 per gallon.

Rymes quoted \$1.459 per gallon and will transfer product.

Ciardelli quoted \$1.45 and will transfer product.

Energy North quoted \$1.25 but the frustration level is high with their service plus they will not transfer over the product. The town has about 2,000 gallons remaining in the tanks.

VOTE: Selectman Schultz made motion to enter into contract with Ciardelli for propane at \$1.45 per gallon. Chairman Douglas seconded the motion. Motion passed 2-0.

Record Retention Policy

The Records Retention Committee introduced the new policies at this meeting with action by the Selectmen to be taken at a future meeting.

Request for Waiver for Road Bond

The Board felt it would not be agreeable to waive any road bond, as always been required by the town, because it's for the town's protection.

VOTE: Selectman Schultz made a motion to deny the request of the logger to not post a road bond. Chairman Douglas seconded the motion. Motion passed 2-0. Charles Koch is the forester. Kenneth and Kathleen Chase, Map 207 Lot 006

Town Administrator Job Description will be tabled until there is a full Board present.

TA report

-The Code Enforcement Officer issued a letter to a resident on Old Temple Road in reference to a Junk Yard violation.

-Safety concerns about a fence at the corner of Wilton and Center Road. A second stop sign will be installed. The stop bar was moved and painted for better sight distance. Chief Deware will review it. The brush can be trimmed for better visibility.

-Chairman Douglas mentioned the brush needs to be cut again at the corner of Crooked S and Mountain Road again.

-A problem was discovered with pistol permit process and detail accounts in police department. It appears they were not done correctly and the accounts were being reassigned to fund balance at the beginning of the year by the audit. The detail accounts should be reflective \$17,000 and they are not. The item will be on next agenda.

-A Bike-a-thon will be held on Aug. 29, 2015 to raise money to purchase the easement on the top of Rose Mountain. The fire chief and police chief will meet with Chris Wells for a pre-meeting. The Board had concerns about non-trained flaggers.

-Forester Bob Todd does not have time to be town forester and will make recommendations.

-The town employee cookout will be Sept. 16, 2015. The Women's Club has been asked to cater the event and spouses will be invited.

-The Planning Board is not interested in having the zoning regulations reviewed by the town attorney.

-Police cars being parked close to Citizens' Hall and the possibility of a fire such as was the case in Henniker where they lost the building was discussed. Maybe one can be stored at the Emergency Garage on Center Road. It was discussed that maybe a tour of the facilities with the Budget Committee and CIP would be a good idea.

-The next agenda to discuss bylaws ambulance bylaws.

-The Monument on Center Road is in the process of being repaired.

-Perham Corner road sign will be spelled correctly by the State and reinstalled.

Adjournment:

All scheduled items having been addressed, the public meeting was adjourned at 9:15pm.

The next meeting is scheduled for August 5, 2015 at 6:00pm at Citizens' Hall.

Date:

Kathleen Humphreys, Transcriber

Fred Douglas
Chairman

Selectman Lee Mayhew

Selectman Mark Schultz

APPROVED BY THE BOARD OF SELECTMEN ON AUGUST 19, 2015