

# Approved

## Town of Grantham Board of Selectmen Meeting Minutes May 23, 2018

The meeting of the Board of Selectmen was called to order at 5:00pm on Wednesday, May 23, 2018 by Chairman Kimball. The meeting was held in the Grantham Town Building, Jerry Whitney Memorial Conference Room at 300 Route 10 South, Grantham, NH.

Present: Selectman Warren Kimball; Selectman Constance Jones; Selectman Peter Garland; Town Administrator Melissa White; Administrative Assistant Ann Jasper; Police Chief John Parsons; Ted Tichy, Sheridan Brown, Eleanor Walla, Dean Jarvis, Bill Jarvis, Susan Ewell, Shawn Hayward, Dick Hocker, Bruce St. Peter, Jean Liepold, Erin Zagadailov, Pavel Zagadailov, Patrick O'Grady, Brian Sullivan and others

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Town Administrator Melissa White.

### **APPROVAL OF MINUTES**

A motion was made by Selectman Jones to approve the regular and non-public meeting minutes of April 18, 2018 as written; seconded by Selectman Garland. **Unanimously approved.**

A motion was made by Selectman Garland to approve the regular and non-public meeting minutes of May 9, 2018 as written; seconded by Selectman Jones. **Unanimously approved.**

### **CONSENT CALENDAR**

1. Payroll Manifest #534
2. Accounts Payable Manifest #586
3. Vacation Carry-over
4. Blakeman Engineering Contract
5. High Meadow Builders Contract
6. Vermont Painting Company Contract
7. 2018 GIS Internet Services Maintenance Agreement
8. Waivers for Impending Tax Deed for Unpaid 2015 Property Taxes:
  - a. M/L 226-019-000 & 226-019-001; 161 Yankee Barn Road
  - b. M/L 227-267-000; 15 Barn Owl Overlook
  - c. M/L 233-020-004; 210 Pillsbury Road
  - d. M/L 237-022-001; 760 Route 10 south
9. Application for Elderly Tax Exemption:
  - a. M/L 234-056-000; 5 Troon Drive – Woodburn, John

# Approved

## 10. Building Permits:

- a. M/L 242-021-000; 160 Bouldervale Road – Remove Part of Barn & Fix Remaining
- b. M/L 222-138-005; 5 Lakeview Place – Propane Stove & Tank
- c. M/L 213-085-000; 21 Shore Road – Replace Porch
- d. M/L 221-024-000; 226 New Aldrich Road – Extend Deck
- e. M/L 222-196-000; 5 Trillium Lane – Kitchen Remodel
- f. M/L 234-132-000; 364 Howe Hill Road – Pave Driveway
- g. M/L 225-214-000; 33 Walton Heath Drive – Demolition of Deck
- h. M/L 242-014-001; 19A Bouldervale Road – Open Outdoor Pavilion
- i. M/L 227-022-000; 1076 Olde Farms Road – Solar Array
- j. M/L 211-019-000; 21 Tall Timber Drive – Roof, Rafters & Ceiling Joists
- k. M/L 237-024-000; 730 Route 10 – Shed
- l. M/L 226-020-000; 151 Route 10 North - Addition

## 11. Correspondence:

- a. NH Department of Environmental Services: A copy of a letter to the owners of M/L 237-023-000 was received from NH DES informing them that a complaint of possible violations on their property was received. The complaint alleges that vegetation was removed beyond the permissible limits of the protected shoreland of the Sugar River and gave the owners 20 days to respond and submit copies of any permits, plans, or other information related to this matter.
- b. Grantham Planning Board: The Town of Grantham received two abutter's notices from the Grantham Planning Board regarding two boundary line adjustments for M/L 234-030-000 and M/L 234-029-000.

Town Administrator White asked the Board to remove items 9 and 10.L from the Consent Calendar for further discussion.

A motion to approve the Consent Calendar without items 9 and 10.L was made by Selectman Jones; seconded by Selectman Garland. **Unanimously approved.**

White asked that the Board deny item 9 because it is not the applicant's primary residence which is a requirement. A motion to deny item 9 was made by Selectman Garland; seconded by Selectman Jones. **Unanimously approved.**

White informed the Board that item 10.L is a Building Permit Application for an addition on a commercial structure at 151 Route 10 North where they are seeking to expand by 1600 square feet. White asked the applicant, Shawn Hayward, how the addition is going to be used. Hayward said more classrooms. White asked if they were going to be adding more children to the facility. He said he believed they are but not that many. White asked if they would be adding more staff to the business. Hayward said he thought they would add a few. He also said they would be adding a few more parking spaces too. White said that since this has not gone before the Planning Board yet, there needs to be a condition that this permit application not get approved by the Selectmen until after it is approved by the Planning Board. She said the office should also receive something from the Sub Surface Bureau of NH DES that shows that the septic system is able to handle any additional load. A motion to approve the Building Permit Application listed in item 10.L subject to the following two requirements; 1) Planning Board Approval; and 2)NH DES Approval, was made by Selectman Garland; seconded by Selectman Jones. **Unanimously approved.**

# Approved

## **CITIZEN COMMENTS**

Brian Sullivan, New Hampshire State Representative for the towns of Grantham, Plainfield, Cornish and Springfield, reported that the House of Representatives voted down the Senate's recommendation to leave the authority with the Secretary of State regarding the issue of postponement of Town Meeting. He said, hopefully, new legislation will be proposed next year which will give the authority to the Moderator and the Select Board.

## **APPOINTMENTS TO MEET WITH THE BOARD**

Ted Tichy introduced himself and informed the Selectmen that he has been a forester for 38 years and the timber company he works for recently purchased approximately 400 acres of land from Mr. Ruger off of Dunbar Hill Road. They filed a Notice of Intent to Cut Wood or Timber and have a contractor in mind, Roger Garland, of Garland Lumber located in the Conway area who has done a lot of work for them. He said they do quite a few cuts on state land and federal government properties and would be happy to have the Selectmen contact those folks if they have any questions on what they do for work and such. He added that they would like to do a little bit of work on the Class VI portion of the road. He noted that he has not cruised the entire lot but looking at the way it was harvested last time and the way they are doing it, most all of the wood will come out on that Class VI portion of the road and they would not be using the Croydon Turnpike or Walker Hill Road for hauling timber products just because everything is kind of in place.

Tichy stated that he has quite a large background; he was on the Board of Directors for two homeowners associations for two terms and was a Commissioner for the Fish & Game Department of Coos County for eighteen years. He informed that he is very familiar with working with fish and wildlife and fish and game people and has a good interest in wildlife himself. He said he wants to make sure they do everything right with the proper buffers, etc. and understood that there are some significant wetlands in that area and wanted to make sure they keep them buffered out. It appeared to him that there has been some fairly significant harvesting on the lot already a few years back and remarked that the lot has very well regenerated. He noted that there is a lot of mature wood that is scattered throughout and it looked to him like it was done as a shelter wood where you open the stand up which allows the sunlight to hit the ground and the regeneration to come up.

Chairman Kimball asked Tichy if he has a cutting plan or if they are planning to cut everything. Tichy said they have a general management plan that they follow on their own properties which includes protect and regeneration, protect the smaller growing stuff and remove the mature trees. He said that is what they normally do and if there are special areas involving wildlife consideration and wetlands considerations, they look at all of those individually and then kind of tailor the harvest to take into account those areas and make sure they don't disturb anything that is pretty significant.

Chairman Kimball asked Tichy if he had an estimated time once they get started. Tichy said he is thinking two summers worth of work, this summer and part of next summer and then probably this winter just because there are some areas where the soil can't handle it in the summer time. He said that is just off the top of his head thinking about the volumes.

# Approved

Selectman Jones asked to confirm that this is a planned cut not a clear cut. Tichy said that is correct and also pointed out that the previous owner harvested timber there. He stated that they follow all of the state laws and town regulations to the letter and the spirit of the law and said this is what they do, they are a timber harvesting company and they harvest timber.

Chairman Kimball asked Road Agent Jeff Hastings if he had any questions for Tichy. Hastings said they are surely going to have some concerns and will have to figure out some things about trucking on the road like weights, etc. Tichy asked Hastings if he could meet him out there to look at the road. Hastings said yes.

Residents of abutting properties had concerns and asked the following questions:

- 1) It was pointed out that the habitat up there on Sawyer Brook is highest ranked habitat in the state and Tichy was asked if they ever operate with more generous protection for those sort of sensitive areas, if this is going to be done in conjunction with some sort of general management plan as he mentioned and if there is a more specific plan for there that will delineate those areas.

Tichy said he has not developed a specific plan for that area but he is aware of the area and very cognizant of the wildlife needs in the area. In a place like that if it's shown to be a significant resource for habitat, then yes absolutely they can work with that. He stated that he would contact the wildlife biologist for this region and get some input from them. He mentioned that up north they work with a lot of deer wintering areas and such and pointed out that it's not state law that you have to do that but they do it because they want to be good stewards of the land.

- 2) Tichy was asked what part of Best Management Practices he would do if he is looking at erosion control and leaving stream bank vegetation and if this would be a minimum impact forestry project by notification to DES.

Tichy said that a lot of it has to do with when they are done harvesting to make sure there isn't erosion on the trails and such. He also said they do a national heritage inventory update on that which is part of the notification process so if there is anything significant in this wetland, it will be flagged on that and then they have to go by the recommendations that Fish and Game sends them. He said they don't have to but it is recommended that they do.

- 3) Tichy was asked with regard to the Class VI roads that border the land, if that is some place where they would adhere to basal area requirements.

Tichy answered yes and said that is state law.

- 4) Tichy was asked if the entry and exit point is where Olde Farms and the Class VI portion of the road is located.

Tichy said yes.

# Approved

- 5) Tichy was asked if the timber company would be subject to the same regulations that are posted on the road or if they would be exempted from those regulations and be provided exceptional use to harvest that timber and if there is any point during the two year project if the road will be closed to the public.

At this point, the question went unanswered due to interruptions by other residents.

- 6) Tichy was asked if he has ever conducted a timber harvesting project where the property is abutted to a private and enclosed high fence hunting park.

Tichy said no.

- 7) The Board was asked who is responsible for preparing the Agenda and the comment was made that they thought a little more transparency was needed in terms of just having Ted Tichy's name on the Agenda as an "Appointment with the Board" as there will be a lot of follow up over the next two years with transportation, access to the road, etc.

- 8) A couple residents told Tichy that they have heard concerns about his company and violations in Maine.

Tichy said he would ask the Select Board if they have concerns to contact the New Hampshire Forest Rangers. He said he has dealt with them and has a good working relationship with the State of New Hampshire. He also suggested contacting the New Hampshire Forest Service; Jasen Stock of the New Hampshire Timberland Owner's Association; and Glenn Normandeau, the Director of New Hampshire Fish and Game. Tichy stated that he has worked for this company for thirteen years in New Hampshire and has no record of any lawsuits or fines in New Hampshire.

- 9) Tichy was asked when the proposed start is for the clear cutting and if the Selectmen have approved the permit for that.

Selectman Jones pointed out that there is no proposal for clear cutting. They filled out a Notice of Intent to Cut Wood or Timber which is what is required in the State of New Hampshire. Town Administrator White pointed out that the Notice of Intent to Cut Wood or Timber is not a permit; it is a tax document.

- 10) The Selectmen were asked if the town has any ordinance or regulation on land use that would monitor or prevent clear cutting or destruction of someone's property.

Chairman Kimball answered no, that the town does not have an ordinance stating which trees you can and can't cut and further explained that the State of New Hampshire monitors the cut. He also reiterated that Tichy said they have a general management plan that they follow on their own properties.

- 11) The Selectmen were asked which state agency does the monitoring.

The Selectmen said the Forest Service, the Forest Rangers and the Wetlands Board. Selectman Jones emphasized that they do monitor and they are very strict.

## Approved

- 12) Tichy was asked if he has to follow the basal area law and come up with a plan.

Tichy said you don't have to have a written plan but you have to follow the basal area law in those buffer areas in the riparian zones.

- 13) The Selectmen were asked if there is a weight restriction on the Class VI road.

Road Agent Hastings said there is not on the Class VI road. Chairman Kimball said there would be in the springtime.

- 14) The Selectmen were asked if the Conservation Commission is kept up to date with logging activities in town due to the fact that they are planning their own logging project and wondered if this project will impact that project.

Chairman Kimball stated that the Conservation Commission usually stays informed of what is going on and if they have any concerns they will usually let the Selectmen know. He added that they do not have control over what a property owner cuts.

- 15) Tichy was asked if there are many mature trees left to harvest if the property was logged not too long ago.

Tichy said that all of the mature timber was not harvested or else they would not have purchased the lot. He reiterated that previously, some harvesting was done there that let the sunlight hit the forest floor which opened it up and it then regenerated and stated that New Hampshire has very prolific regeneration; you don't have to replant even if you cut a big area, the trees will sprout up. He added that you can't stop them from sprouting in New Hampshire so our forests have a very good ability to rejuvenate especially with a site like that up there. It appeared to him that the last forester that was in there did some harvest to open it up to regenerate the area and now with the mature timber that is there, they are going to start a young stand and it goes by the guidelines that the gentleman over here talked about with the wildlife management plan. He explained that Fish and Game has a young stand initiative, that there is quite a lack of young early successional habitat in the state for a lot of neotropical migrant birds and small animals and even rafters and stuff that need these open areas and what is happening is people are letting their forests grow to maturity and all the small game and everything is disappearing and even some of the large game like deer and moose and such because they have nothing to eat, they need these young stands to thrive on. He continued that the plan will be to open up these areas that are regenerated so they have an early successional area and these will provide habitat for a few years until they grow into an age class that would be too high for them and then maybe do a thinning in 20 years or so to open that up again and start the process over. He said in the places that have a range of diameters of trees, you leave the smaller ones as growing stock and take out the bigger mature trees and the ones that aren't so healthy and the smaller younger healthier trees will grow into the next harvest.

- 16) Tichy was asked about the level of noise during this project and how many hours a day they will be working.

## Approved

Tichy said he is not sure how to answer that because heavy equipment makes noise. He said it depends on how much crew they have but they typically don't work weekends. They will probably work eight to ten hours a day.

- 17) Tichy was asked what his plan for the land is after this harvest.

Tichy said he did not know at this time but informed that the company owns in the neighborhood of about 20,000 acres in New Hampshire right now and they have owned some of it for quite a long time. He said they are always looking for land and do sell some land. That is the nature of their business. He stated that they would be open to suggestions or comments and informed that some other towns in the state where they owned large parcels of land have approached them about adding it to their town forests and they were amenable to that.

- 18) The Selectmen were asked if they can require a bond to be posted for repair of roads if the heavy equipment causes problems on Dunbar Hill Road.

Chairman Kimball said they cannot require them to post a bond.

Another resident stated that he once lived in Concord and Concord imposed a road tax on this type of operation for each load of timber that was driven over their roads and asked the Selectmen to think about implementing something like that in the future.

- 19) Tichy was asked how many truckloads of material he expected to move over Grantham roads.

Tichy said he can't answer that off the top of his head but said, typically, when they get going they will probably move four to five load a day, five days a week so 20 to 25 loads a week.

- 20) Tichy was asked for the gross number of the economic value of this cut.

Tichy said he could not answer that.

- 21) Tichy was asked if that had been done.

Tichy said he is not sure, that the owner of the company purchased the lot and the marketing is done in the office. He said his job as the forester is to harvest the timber and to do it in a sustainable way. He said he does not deal with the numbers.

- 22) Tichy was asked if there would be a chipping operation going on.

Tichy said he believed they may do some chipping in there but the markets are such and the trucking distances and such around here may not provide them with a good enough incentive to do the chipping.

## Approved

- 23) Tichy was asked if the Notice of Intent to Cut represents the volume that they intend to take out of there during the first year of the two summers there or does it include the two summers.

Tichy said that he spoke with Town Administrator White about this as far as volumes and said the Intent to Cut law in the state is kind of a funky deal where if you cut more than you put on the Intent then you have to file a supplemental intent and if you don't file the supplemental right, then you have to answer to the state and the town. If the town is relying on those intent numbers for their budget, then they have to be pretty accurate and he will sit down with the Town Administrator and say okay, this is really what I intend to cut but from what he has been told by the forest rangers, the state and the DRA, they said just put down the volume on the lot and if you cut more than you think you are going to cut, you're covered and then if you don't, that's fine, you can file a new intent for the following year. He said that is why he put the volumes on the Intent to cut. They have timber crews on the lot so he felt that they have pretty accurate volume numbers and he added on just to be on the safe side because the crews are plus or minus 10 percent accuracy so the volume reflected on the Intent to Cut represents the two years.

- 24) Tichy was asked if he has a number of employees that the company will be hiring and if anyone will be living on the site and if they will be instructed on littering.

Tichy said they hire an independent logging contractor to do the actual logging and this company, Garland Lumber, will a lot of times hire local folks. He said no one will be living on the site and he doesn't put up with any littering or changing oil on the site or any type of environmental situation like that. He said Roger Garland is a very well respected logger and like he said, they can check references on him and Roger Garland.

- 25) Someone asked how wide the right of way is on the Class VI road.

Road Agent Hastings said it should be 50 feet or stone wall to stone wall.

- 26) Tichy was asked if the recreation trails on the property will be maintained as the previous owner did.

Tichy said all of their land is open to the public and he wants to make sure that they don't destroy any of the hiking trails. He said the public is welcome to use them all the time but cautioned them to be careful with the harvesting operations around there because the guys can't really see you very well and they are not looking for people except around the hiking trails. He said he will make them aware of the hiking trails and during the harvesting operations, he will make sure to post that there is harvesting equipment around these trails.

- 27) Tichy was asked about the trails maintained by the local snowmobile club if they come back to harvest in January.

Tichy said they work closely with local snowmobile clubs and OHRV folks and co-share. He said they do it all the time up north. They are good about posting it as multiple use or shared trail and post it 10 miles an hour or whatever so the log trucks are aware of it and

# Approved

the snow machiners are aware of it so they try to make sure there is an area where there are turnouts and places where they can pass or if they can reroute a trail for a short section to get away from the section of road that they happen to be using even if it means putting in a bridge to cross the brook and that is something they can work with for safety. He said he would rather take the time and expense to build a new trail than have to worry about someone who isn't aware of what is going on and running into a truck or something.

There were no more questions and Tichy thanked the Board and Chairman Kimball thanked Tichy for his time.

Erin Zagadailov requested that there be documentation of follow up about whether or not they are subject to the same rules that are posted on that Class VI road because she believed it can't be passed at certain times of the year. Road Agent Hastings said that there will be no logging during March, April and June.

Jean Liepold said under RSA 236:9 if the owner is disturbing or damaging a public highway including a Class VI road permission must be sought. Pavel Zagadailov asked if this will be another permit. Chairman Kimball said no and that the Board will do some research on the background.

Pavel Zagadailov pressed the Selectmen to give them a date when the permit will be granted. The Selectmen and White explained that there is no local permit; that the Notice of Intend to Cut Wood or Timber is a state document and it is a tax document not a permit. It was further explained that a permit is not required, the document is to notify the state that a timber harvest is being conducted and the state makes sure that you are following the laws.

Erin Zagadailov asked who is required to notify if the road would be closed at any time at the request of the proprietor. Chairman Kimball asked if she was referring to the town road or the Class VI portion. She said either. The Selectmen explained that they have no right to close the road to anybody, it's a town road and Tichy said there is no situation where any landowner can close the Class VI portion of that road permanently and keep the public out.

## **OLD BUSINESS**

Comcast Cable Agreement: No update

Board of Selectmen Rules of Procedure: White will do some edits for the Board to review.

Stocker Brook Realty, LLC, et al v. Town of Grantham: The Hearing on the Merits has been rescheduled to Monday, July 9, 2018 at 10:00am in Sullivan Superior Court in Newport. White stated that she and Planning Board Chair Carl Hanson will attend and one member of the Board of Selectmen should be present. Selectman Garland and Chairman Kimball both said they can go.

# Approved

## **NEW BUSINESS**

Police Department – April Report: Grantham Police Department collected 58.4 pounds of unwanted/unused medication during Drug Take Back Day that was held on April 28, 2018.

The Department received training via video that was provided by the AG's Task Force regarding Child Abuse Investigations on April 5, 2018.

On April 12, 2018, Police Chief Parsons attended the Shield Our Children from Harm Professional Conference at DHMC regarding Child Maltreatment; Digging Deeper into Intervention and Prevention.

Officers Schwartz and Julian attended Clandestine Lab Training by DEA hosted by Littleton Police Department.

Sr. Patrolman Gamble attended Suicide Investigation training on April 18-19, 2018 provided by the Institute of Police Technology and Management.

Patrolman Cameron attended a three day training on April 18-20, 2018, for Advanced Patrolman I in Dover, sponsored by Granite State Police Career Counseling.

In accordance with RSA 91-A:3 section II-e, a motion was made by Selectman Jones and seconded by Selectman Garland to enter into a Non-Public session at 6:22pm. Present were: Chairman Warren Kimball; Selectman Constance Jones; Selectman Peter Garland; Town Administrator Melissa White; and Administrative Assistant Ann Jasper

Roll Call vote to enter non-public session:	Chairman Warren Kimball;	Yes
	Selectman Constance Jones;	Yes
	Selectman Peter Garland	Yes

A motion to leave Non-Public session and return to Public Session at 6:33pm was made by Selectman Jones; seconded by Selectman Garland. ***Unanimously approved.***

A motion to seal the minutes of this non-public session was made by Selectman Jones; seconded by Selectman Garland. ***Unanimously approved.***

In accordance with RSA 91-A:3 section II-c, a motion was made by Selectman Jones and seconded by Selectman Garland to enter into a Non-Public session at 6:34pm. Present were: Chairman Warren Kimball; Selectman Constance Jones; Selectman Peter Garland; Town Administrator Melissa White; and Administrative Assistant Ann Jasper

Roll Call vote to enter non-public session:	Chairman Warren Kimball;	Yes
	Selectman Constance Jones;	Yes
	Selectman Peter Garland	Yes

A motion to leave Non-Public session and return to Public Session at 6:41pm was made by Selectman Jones; seconded by Selectman Garland. ***Unanimously approved.***

# Approved

A motion to seal the minutes of this non-public session was made by Selectman Jones; seconded by Selectman Garland. ***Unanimously approved.***

## **ADJOURNMENT**

There being no further business, Selectman Garland moved to adjourn, seconded by Selectman Jones; by unanimous vote, the Board adjourned at 6:55pm.

The next Selectmen's Meeting will be held on **Wednesday, June 13, 2018** at 5:00pm in the Grantham Town Building; Jerry Whitney Memorial Conference Room at 300 Route 10 South, Grantham, NH.

Respectfully submitted,



Ann Jasper  
Administrative Assistant