



**Northwood Board of Selectmen  
Minutes of September 14, 2016**

1 Selectman Wolf called the meeting to order at 6:00 p.m.

2 Selectman Wolf led the pledge of allegiance.

3

4 **Roll Call**

5 Selectman Rick Wolf, Selectman Donald Hodgdon, and Town Administrator, Joe  
6 Gunter.

7 **Chairman Bryer will join the meeting later.**

8 **Public Hearing:**

9 Mr. Gunter reads the public notice. *"The Northwood Board of Selectmen will hold a  
10 public hearing at 6pm on September 14 at the Northwood Town hall for the purpose of  
11 discussing the condition of Sherburne Hill Road. This was posted at the Northwood Post  
12 Office, the Town Hall and the Chesley Memorial Library and in the Suncook Sun.*

13 Brian Allen is present with a public comment. He stated that he lives on Sherburne  
14 hill road. He stated that it's been a year since the town had decided not to do any work  
15 on the Sherburne Hill Road. He works for a neighboring town's highway department  
16 that has a ten year plan on all of their projects. They know when the projects are  
17 coming due, and they make arrangements to get them done. All the projects are  
18 budgeted for. He stated that Northwood is negligent because they knew the work  
19 needed to be done, but the roads haven't been ditched in years. He doesn't understand  
20 how nothing is getting done if the town has a highway department with trucks and  
21 equipment. He understands that the new road agent is trying. He stated that he was  
22 against the road becoming scenic because he didn't want to be restricted from doing  
23 any work on his property or prevent his neighbors from doing work on their property.  
24 He stated that he was for doing away with the scenic part of the road. If Northwood  
25 doesn't know what to do with one scenic road, then they shouldn't have any. There are  
26 potholes, the road is breaking up, water isn't running off the roads, the roads aren't  
27 properly cleared in the winter, sometimes there is 6 inches of slush when he gets  
28 home from work. It's not right and something needs to be done. The road agent has no  
29 power in this town because of all the committees.

30 Selectman Wolf stated that he would like to make a comment in regards to one of the  
31 statements that Mr. Allen made. He stated that the town is not delinquent with the  
32 road work. The people of Sherburne Hill Road chose not to have the road worked on  
33 because they didn't want any trees cut and they didn't want any ditches dug. Unless  
34 the town can fix the road correctly, they will not go and do a halfway job and have it  
35 fall apart like it is now. There was supposed to be a meeting set up to discuss what  
36 could be done but that never happened.

37 Roger Bishop is present as a resident of Sherburne Hill Road. He stated that he isn't  
38 sure of what is being planned for the road. He also stated that he doesn't have any  
39 problem with the road being scenic. It's the only scenic road in Northwood. He stated  
40 that he thinks it's ironic that there is a sign that says "Rough Road Ahead". He also  
41 stated that he was not on any committee. He was not against the tree cutting or ditch  
42 digging. He believes that it wasn't the issue, and they realize that tree cutting and  
43 ditch digging is a part of the road maintenance. Selectman Wolf stated that when the



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1 time came to do the work, some of the neighbors had changed their minds about the  
2 tree cutting. There is a petition going around to remove the scenic road designation  
3 that already has enough signatures on it so it will more than likely be on the March  
4 ballot.  
5 John Allen asks if the petition is only for Sherburne Hill Road residents or can anyone  
6 in the town sign it. Selectman Wolf stated that anyone can sign it.  
7 Mr. Allen stated that he bought a new car about a year ago. He was driving down the  
8 middle of the road because of all of the potholes and damage on the side of the road.  
9 He had to swerve to get out of the way of an oncoming car and he wrecked a brand  
10 new wheel in his car. He stated that he can't see what is scenic about the road. Some  
11 on has sprayed the trees with the intent to cut them down.  
12 Virginia Bishop is present for public comment. She had a question about the markings  
13 on the trees. She stated that typically she isn't anti anything, but someone did mark  
14 the trees. At the time there were a certain number of trees that were supposed to be  
15 cut, but when they counted the marked trees the number was higher than what they  
16 agreed on. That is when they grew concerned about who was in charge of the project  
17 and what was going on.  
18 Selectman Wolf stated that originally there were trees marked, and then the property  
19 owners along the sides of the road decided that the town could take the trees that  
20 were in the right of way, then they changed their minds.  
21 *Inaudible comment from the audience.*  
22 Jim Decker is present for public comment. He uses Sherburne Hill every day. He  
23 works in a hospital for acute care issues. One of the concerns he has is if someone  
24 were to get hurt and has to drive on that road with a broken bone; the conditions  
25 could cause tremendous damage. The urgency in fixing this road is to fight the  
26 damage that is done to cars and potential damage that a head on collision could  
27 happen very easily. He stated that he understands about doing things right, he totally  
28 agrees with that concept but he takes issue with what was done on Angela Drive,  
29 because basically they didn't do the whole thing. The road is all breaking up and has  
30 destroyed one of his snow blowers. Sherburne Hill needs to be fixed. He stated he  
31 would love to sign that petition.  
32 Ginger Dole is present to make a public comment. She asks for clarification about the  
33 petition. She would like to know if the petition passes town meeting would there be  
34 further steps to take or would that be the final step. Mr. Gunter stated that it will be  
35 on the ballot and if the vote is approved, then the work can begin.  
36 Selectman Wolf stated that they are still working on Angela Drive. He stated that the  
37 issues with the turn arounds are that people have been storing items there and  
38 parking cars. *Inaudible comments from the audience.*  
39 Mr. Decker stated that he would like to comment on that issue. He stated that he  
40 addressed it with Mr. Gunter suggesting putting up no parking signs. Mr. Gunter said  
41 that people take no parking signs. He stated he spoke to his neighbor and felt very  
42 uncomfortable about the conversation. His neighbor had actually never been asked to  
43 move any of his vehicles before. It only took a gentle ask. Mr. Decker stated he doesn't



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1 feel that people parking there isn't really an issue. He's concerned that a plow truck  
2 will rip up the road.

3 Mr. Gunter presents a letter from Ms. Ashley Martin who lives on 97 Range Road.  
4 *Dear Planning Board Members,*  
5 *I am not able to attend the Planning Board meeting regarding Sherburne Hill Road on*  
6 *August 23<sup>rd</sup>, but was hoping to provide some input. I am resident of Range Road and I*  
7 *drive south on Sherburne Hill daily. At a previous meeting, we had discussed avoiding*  
8 *cutting down trees on either side of Sherburne Hill as part of a road improvement*  
9 *project. In light of continued concerns over the condition of the road, I'd like to again*  
10 *vote against cutting down trees along the road. At this point the trees and foliage are a*  
11 *major scenic aspect of the road. Additionally there has been a recent trend to widen*  
12 *roads in the town including Range Road with a negative scenic impact. While widening*  
13 *my road they destroyed the stone walls on either side and we've developed erosion*  
14 *additionally despite very little rain washout has developed. My other main concern is*  
15 *there is a significant police presence on Bow Lake Road and Ridge Road related to*  
16 *speeding. With repairs to the road I am concerned about speeding on Sherburne Hill*  
17 *Road. As a Northwood resident and frequent user of Sherburne Hill Road, I encourage*  
18 *the highway department and Planning Board to look into improving the condition of the*  
19 *road without destroying the scenic nature of the road itself.*  
20 *Sincerely,*  
21 *Ashley Martin.*

22 Selectman Wolf asks for any other comments.

23 Fred Gorman is present. He lives at 49 Knowles Way. He attended the August 2  
24 Conservation Committee meeting with some of his neighbors regarding the cutting of  
25 trees on their conservation land. The Conservation Committee suggested that they  
26 write to the Board of Selectmen, which they did on August 11. He stated he is present  
27 to make sure they got the letter and if it requires being put on the agenda for a future  
28 meeting they would like to do that. They did request that the board look into the  
29 matter for them. Selectman Wolf stated that they did receive the letter and Mr. Gunter  
30 is looking into it. Mr. Gunter stated that he is looking into it along with the building  
31 inspector. They decided that they would talk to the Department of Environmental  
32 Services (DES) and see what the best course of action is since they have experience  
33 with illegal cutting. Right now they are waiting for a response from DES. Mr. Gorman  
34 stated that they would be happy to give any board members a tour of the property.

35 Mr. Decker stood up again to speak about Sherburne Hill Road. He stated that he  
36 would like to see the town clean the streets of the sand once the winter season is over.  
37 He is an avid motorcyclist and sand is like ice for a motorcycle. He has spent a lot of  
38 time sweeping the sand from the corners of the streets. Selectman Wolf stated they  
39 will make a note of it.

40 Selectman Wolf asked if there were any more comments on the matter. Seeing none,  
41 Selectman Wolf closes the public hearing at 6:25 pm. He thanked the public for their  
42 input and invites them to share any further input in the future.

43



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1 **Appointments:**  
2

3 **Ms. Ramey**

4 Ms. Ramey is present to discuss her lot in Mountain View Mobile Home Park. One of  
5 her lots was rented by Mr. Gammon. She took possession of the home through the  
6 courts because he was behind on his rent. The mortgage holder inspected the home  
7 and determined it to be unlivable, so they signed the UCC form giving up any claim to  
8 the home. Ms. Ramey stated that they had Danley Demolition demolish the home for  
9 \$3,000. They obtained a permit through the town. Ms. Ramey also had to pay \$600 for  
10 a dumpster. She now has an interested party in the lot, but before she can rent the  
11 lot, the town is asking her to pay the Gammon's back taxes on the mobile home. Mr.  
12 Gunter stated that a couple came in the other day stating that they wanted to put a  
13 mobile home on that piece of property. If any mobile home in this area comes  
14 delinquent in taxes, the bill remains on the property and any buildings on it, rather  
15 than the homeowner. In previous properties, the town has sold the right to put  
16 another home on that property. Ms. Ramey stated that she has never received a bill, or  
17 knew that there were taxes owed. She stated that she didn't understand how a permit  
18 could have been pulled on the property if there was a lien on the property. If she  
19 hadn't paid the demolition then the town would have had to pay it. Mr. Ramey stated  
20 that the taxes were due on the home, not the property, and they have paid the  
21 property taxes. The home is gone and they just want to put another home on the  
22 property. Ms. Ramey stated that she's lost \$6,600 because of this. Mr. Gunter stated  
23 that the town took the trailer for \$3,342. Selectman Wolf stated that they have had  
24 problems before with trailers in that area and someone always ends up paying  
25 something. Mrs. Ramey stated that she's dealt with this in the past by taking care of  
26 it, but this one has cost them a lot of money. Mr. Gunter stated that they mailed a  
27 letter to the former owner, they received it and came in to town hall to see what the  
28 status was, and they did not make any claim to the home. Selectman Wolf stated that  
29 he would feel more comfortable waiting until Chairman Bryer was there to make a  
30 decision. Ms. Ramey stated that she's under the gun because the couple interested in  
31 the lot need to order their home soon so it will get there before the winter, and the  
32 gentleman is having shoulder surgery on December 1. If they can't get this taken care  
33 of then she will lose another season. Selectman Wolf stated that it shouldn't take very  
34 long at all, in fact Chairman Bryer will be joining the meeting later and perhaps they  
35 can discuss it when he gets there. Ms. Ramey asks that they contact her the following  
36 day.  
37

38 **Larry Cleasby**

39 Mr. Cleasby is present with his attorney, Bruce Marshall. Mr. Cleasby stated that he's  
40 in front of the board because the ZBA doesn't want to hear his case. He feels that they  
41 are avoiding the whole issue. He's spent tens of thousands of dollars on foundations,  
42 wells, septic systems, driveways, roadways and building material. He's continually told  
43 that he cannot build on 34 acres of land. He feels that his rights are being denied. He



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1 understands that the selectmen are able to overturn the ZBA decision. In the last ZBA  
2 meeting, they did say that he did not need a variance if the road was up to standards.  
3 The road has been inspected by the road agent and two other engineers. It is better  
4 than the Class IV portion leading to it. It does meet rural road standards. Selectman  
5 Wolf asks Linda Smith to come to the table. Ms. Smith stated that the Zoning Board  
6 received an application from Mr. Cleasby to build a single family residence on his lot.  
7 The board voted to not hear his current application because the advice given to them  
8 by the town attorney. The town's attorney reviewed his previous application, which  
9 was denied, and his current application as well as New Hampshire state law relative to  
10 zoning applications. Under the state law, the Board of Selectmen does not have the  
11 authority to grant relief from the zoning ordinance. Only the Zoning Board has that  
12 authority. Mr. Cleasby does have the right to appeal the decision of the board, first to  
13 the board, by filing a motion for a rehearing. Or he can choose to appeal through the  
14 superior court. Those are his options as far as the Zoning Board and the building  
15 permit.

16  
17 Mr. Marshall stated that he is a New Hampshire licensed engineer and an attorney in  
18 Concord. He would like to provide the board with his background. He was an engineer  
19 for the Department of Transportation for over 12 years and then he was with the  
20 attorney general's office for almost 5, and now he is in the private sector representing  
21 homeowners, developers and contractors with D'Amante Couser Pellerin & Associates,  
22 P.A. in Concord. He stated he reviewed the Zoning Board's decision. It will be appealed  
23 because they are in error of the law. His property has a long history to it, going back to  
24 when he first purchased the property and made a deal with the town that he was  
25 going to purchase the property with the understanding from the town that he was  
26 going to be able to get a permit for a home and have access though the road that he  
27 mentioned earlier. He was granted on at least two different occasions, building permits  
28 that were then rejected. He's improved the road significantly. Mr. Marshall stated that  
29 as an engineer he went and looked at it and it is vastly better than other sections of  
30 the road that are deemed Class IV. Mr. Marshall stated that as a lawyer he looked at it  
31 and determined he never should have been before the Zoning Board in the first place  
32 because he had a contract with the town when he purchased the property. The  
33 selectmen control the Zoning Board when they act unlawfully. The Zoning Board was  
34 trying to say in their recent decision that this was the exact same type of application  
35 that had been denied previously. His client was only before the Zoning Board the  
36 second time because that's where he was directed to go by the town. Had he come to  
37 see Mr. Marshall before that he would have told him to go to the Board of Selectmen  
38 and ask why they aren't adhering to the agreement you made when he bought the  
39 property that had those conditions on it. He's spent almost \$200,000 on this property  
40 and the road going in based on reliance on the agreement that he had with the town to  
41 begin with. And there is one individual who is not even an abutter that apparently has  
42 some kind of connection in the town. Someone who is not an abutter is able to go in  
43 and get the Zoning Board to do actions that are clearly unlawful in respect to his



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1 client. Mr. Marshall stated that he advised his client to go back to the selectmen. He  
2 advised Mr. Cleasby that he can always go to the courts and appeal the Zoning Board  
3 and sue the neighbor down the street for a lot of the things that Mr. Marshall feels  
4 that he is representing to the town that don't appear to be true. Mr. Marshall advised  
5 his client that he can always bring a claim back against the selectmen because he  
6 bought property with the understanding he was going to be able to get in there and  
7 what the access would be. Mr. Marshall stated that he told his client that before he  
8 goes that route, and cost everyone a bunch of money and time, he should go back to  
9 the selectmen and ask them why they haven't adhered to the agreement and what are  
10 they going to do about it. Selectman Wolf asked about the original agreement, since he  
11 and Selectman Hodgdon are fairly new selectmen. He stated that they are very familiar  
12 with the case, as is Mr. Gunter and Ms. Smith, but there are some things they aren't  
13 familiar with. Ms. Smith stated that she would like to add because that the potential is  
14 still within the appeal time, she would recommend that the selectmen take Mr.  
15 Marshall's comments under advisement and make no comments relative to what was  
16 referred to tonight because that will only then pull the selectmen into any legal  
17 matters that may come from this. Ms. Smith stated that she can comment relative to  
18 the details he said but she would prefer not to tonight in this forum. Certainly they  
19 can go back and she can speak to the town administrator in more depth and if  
20 necessary speak with the town counsel, who is a separate lawyer from the attorney  
21 that the Zoning Board had. Clearly, no document or agreement that was previously  
22 made by any Board of Selectmen can override a zoning ordinance in the state of New  
23 Hampshire. It's very clear that if there was a document or a discussion where the  
24 selectmen had in fact said some indication about building on a property that was for  
25 another piece of property. That would be subject to a legal opinion that should be  
26 sought. Mr. Gunter agrees that Ms. Smith's suggestion is a wise course of action. Mr.  
27 Marshall stated that it is clear to him the extent of the neighbors influence on the  
28 town. No board for a town is going to trump agreements that the selectmen make. The  
29 New Hampshire Supreme Court has ruled on that numerous times. Mr. Marshall  
30 stated that the selectmen in this town made an agreement with his town when he  
31 bought his property, and the Zoning Board is attempting to ignore that agreement and  
32 go back on it. On top of that, the property his client first built on was issued a  
33 building permit and someone is now living in the house. To say that his client now  
34 can't access the same road that he used to access the first property is holding both  
35 those properties to different standards and that's not legal. Mr. Marshall stated that  
36 the recommendation he feels he's getting from the Board Administrator is to go ahead  
37 and sue the town. If that's what the town wants him to do, then he has no option but  
38 to go that route. They came here to try and get something resolved, and all they are  
39 hearing from the Board Administrator is to go ahead and sue. Mr. Marshall stated that  
40 the message was heard loud and clear. Ms. Smith stated that that's not what she said  
41 at all. She stated that she was recommending that the Selectmen need to have time to  
42 look into the legalities of what has been presented tonight and respond accordingly.  
43 She takes concern with the statement relative to any influence on the town. There is



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1 no influence on her or any one that she is aware of relative to anything other than the  
2 basics of the law that we've been advised by our attorney. Mr. Marshall stated that  
3 they have a deadline of September 21 based on the decision date. He can't imagine  
4 based on the comments he's heard tonight that the selectmen are going to try and  
5 correct or get a decision before then. That's why he feels it's pretty loud and clear  
6 where this case is going to go. Selectman Wolf stated that as he mentioned before,  
7 Chairman Bryer isn't present and he would probably have some good input. Mr.  
8 Cleasby asks if it would be possible to have a meeting before the date of the appeal.  
9 That way Chairman Bryer could be present. Mr. Gunter stated that the next meeting is  
10 scheduled for the 27<sup>th</sup>. Selectman Wolf stated that they would have to have a special  
11 meeting. They will have to check the schedules to decide when that could happen. Mr.  
12 Cleasby Sates that he would like to end this now because it has gone on for too long.  
13 Ms. Smith suggests that the selectmen speak with the attorney and if the attorney  
14 advises then at that point schedule a special meeting if it's deemed necessary.  
15 Selectman Wolf stated that they will get back to them as soon as possible.

16  
17 **Ken Folsom**

18 Present: Ken Folsom, Cheryl Turner, Scott Preve, Bob Strobel, Planning Board Chair,  
19 Linda Smith, Board Administrator

20  
21 Mr. Folsom stated that he met with Mr. Gunter last week and gave him some paper  
22 work to pass on to the board. One of the things he'd like to start off with is that he is a  
23 municipal administrator of the Town of Canterbury. Before that he worked for the city  
24 of Concord as a fire fighter. He was also on the Board of Selectmen for two terms also.  
25 He stated that he's been involved in municipal government for quite a while. One of  
26 the things he's always felt about municipal government is that they always have to  
27 look at worse case scenarios and plan for the worst. We plan for the worst and very  
28 seldom does that happen. So he'd like the board to consider the best case scenario.  
29 The best case scenario in his opinion is that they grant the road waiver, he is allowed  
30 to build a 24X30 house on the property that they bought last year that came with a  
31 variance and a septic design. They come and visit ten to twelve weeks a year. He's 58,  
32 his wife is 56 and their kids are grown and then they enjoy the property while the  
33 town is taxing it and in 20 years or so, the town has collected \$20,000 or \$30,000 in  
34 taxes, with no impact to the town. That's the best case scenario and typically what  
35 happens. He'd like the board to consider that 9 times out of ten the worst case  
36 scenario that the Planning Board is concerned with doesn't happen. Cheryl Turner is  
37 here to speak as the previous owner of the property; she also owns property across the  
38 street. Scott Preve is present, he lives past the property in question, and his mother is  
39 the owner of the road. They have lived there for quite a while. They will tell you there  
40 has never been an issue with the access to any of the houses there. Emergency  
41 vehicles, fuel trucks and even UPS have been able to access the properties. The road  
42 has been maintained, it's maintained every year. There is no reason to deny this. He  
43 would appreciate if the board could reconsider their decision. He wasn't allowed to



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1 speak at the Planning Board meeting so he wasn't able to answer to any of the  
2 concerns that were brought up. He's willing to address any of the concerns now.  
3 Selectman Hodgdon stated that the two concerns are that the status of the  
4 homeowners association and the second is the distance to the nearest access point.  
5 Mr. Strobel stated that the role of the Planning Board was to comment to the Select  
6 Board. It was not a public hearing. Mr. Folsom was welcome to attend because it's a  
7 public meeting, but they don't take public comments at that time. The Selectman's  
8 meeting is the appropriate venue for that. The homeowners association is something  
9 that has been a concern for the Planning Board for a while now, at least as long as  
10 he's been on the board which is 7 years now. He understands that there is road  
11 maintenance done annually. The problem is from the Planning Boards perspective is  
12 that they don't know anything about it. Mr. Preve stated that there are 9 year round  
13 residents that live there that have to go to work every day. Mr. Strobel stated that he  
14 understands, however the problem for the Planning Board is that maintenance of the  
15 road is a private road. The town has no way to know what the state of the road will be  
16 in at any given time. This is the point the Planning Board is trying to stress  
17 throughout, because there are numerous roads in town where this is the case. You  
18 need to form a homeowners association that is charged with road maintenance. That  
19 way the town will have the knowledge that yes, there is a homeowners association,  
20 there are funds available for road maintenance, and there is a contractor that the  
21 town can contact to say that the roads are not being maintained we can't get the  
22 emergency vehicles down it. The town needs to be able to get that information without  
23 having to knock on twenty doors to ask who is plowing the roads that day. Mr. Folsom  
24 stated that on the road waiver its stated that the owner assumes responsibly for the  
25 maintenance and repair of the road, and agrees that at his expense or at the expense  
26 of himself and others that own property similarly located on said road, to a suitable  
27 width for travel and to repair and maintain the portion of said road in good and  
28 passable condition. Mr. Folsom stated that that is a contract with places for his  
29 signature, witnesses and the selectmen. It's notarized and attached to the deed. If that  
30 road is not maintained, the town can do the repairs and bill him. He's not sure what  
31 he's looking for or what a contract with multiple homeowners would do to give the  
32 town more of a guarantee. Ms. Smith stated that there are two issues at hand. Mr.  
33 Folsom is correct; he is signing an agreement and release. It is required by the statute  
34 that he does that. That agreement is so that the property owner cannot hold the town  
35 responsible if they can't get emergency people to his door. It does not in any way  
36 ensure that if an emergency vehicle went off the road and if someone got injured that  
37 we would have the right to go after him because he signed that he was going to  
38 maintain the road to the best of his ability. The agreement is solely for the purpose of  
39 liability to the town. It does not in any way guarantee that if anything happened to the  
40 equipment or EMS workers that the town could recoup that cost. Mr. Folsom Stated  
41 that this is the last lot that's in that area. There are 7 full time residents already living  
42 down there. He's not sure how adding one more resident would create an added extra  
43 danger to the emergency services. If the town is that concerned about the emergency



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1 services, why isn't the town putting the same restrictions on residents that have  
2 driveways over 2000 feet long. There are also many roads in Northwood that are in  
3 worse condition. Ms. Turner stated that when they owned the property they had  
4 applied for a variance and obtained a building permit for that road and they sold it to  
5 Mr. Folsom with the understanding that he would also be able to use the property to  
6 build on. They are year round residents for 7 years on 9 Faucher Road, which is past  
7 the property in question. It was never a problem with fuel trucks; they have always  
8 been able to access it without a problem. The road has always been well maintained.  
9 Everyone chips in and for a lot of the work the neighbors have gotten together and  
10 done it. There was a fire in January or February on 3 Faucher Road and the trucks got  
11 down there with no problem. Mr. Preve stated that there is an informal agreement  
12 because they don't want to put the burden on everyone by forcing everyone to  
13 contribute to the road. Some people are only seasonal residents. They send around a  
14 letter every year asking for donations. They grade the road and they bring in sand.  
15 Docko does all of their work. It's plowed and maintained. Mr. Strobel stated that no  
16 one on the Planning Board doubts that there is a good concerted effort to maintain the  
17 road. We do not doubt that the plan is to continue that effort. What he'd suggest, is  
18 that to make this a little more formal. Set up a check book in the Preve Road  
19 association and all donations go to that. Then there is a bank account that the town  
20 can ask what the balance is. They aren't asking for anything terribly formal. But this  
21 issue goes beyond Preve Drive and the Planning Board has to look at other areas and  
22 private roads. The Planning Board's intent is to be fair to everyone across the town.  
23 The 2300 feet distance from the access point is a concern as well. The 1,000 foot rule  
24 was enacted in the mid 90's, before he'd been on the board. There are numerous roads  
25 in town that are laid out just like Preve with a long access way and a whole bunch of  
26 lots near the water or at the end of the road. The longer the road, the more chance of  
27 problems in between and not being able to get emergency services to someone. Mr.  
28 Preve asks what has changed between now and then that makes the road waiver not a  
29 valid document anymore. Ms. Smith stated that the homeowners association is not  
30 something the board can require. But it's certainly something that can enter into their  
31 decision when they look at the situations. Ms. Smith presents a few statistics about  
32 the area. There are 21 structures in that area. According to Avitar, 15 of those are  
33 camps. Two are mobile homes, one which was put in in 1965, and the earliest  
34 structure built was in 1940, and the bulk of the structures were built in the 1950's..  
35 There haven't been a lot of new approvals given for that area. Most of them have been  
36 camps. There have only been two structures built in 28 years, one in 2006 and one in  
37 2009. The critical point is the guidelines that the Board of Selectmen has adopted.  
38 They have been charged with making this decision, and they have guidelines that they  
39 have developed and approved. That's the document to look at, as well as the  
40 comments from the Planning Board. The Board of Selectmen can waive their own  
41 guidelines, but the Planning Board is charged with looking at what the selectmen have  
42 put in place as their guidelines as well as the regulations that the Planning Board has.  
43 In those guidelines the point is 1,000 feet. The selectmen have made that decision that



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1 after 1,000 feet, the road should have certain criteria be met. Ms. Turner stated that  
2 she doesn't understand what has changed from when they built there home.  
3 Selectman Wolf stated that the change has been in the works for quite a while, they  
4 have other developments that are in the same situation. They are trying to find a  
5 happy medium. Mr. Preve stated that he'd like to talk about the fairness of all of this.  
6 Before he bought the property he met with the building inspector and found out about  
7 the variance, so he could build on it. There is also a state approved septic design. The  
8 building inspector told him he didn't see any problems and he should be all set. Mr.  
9 Folsom stated that he should have gotten something in writing, but he didn't. When  
10 he came to get the building permit, he was told he needed a road waiver, but it was  
11 pretty much a formality. He then met with Ms. Smith who reviewed the road waiver  
12 agreement. He also hand wrote a note stating that there was no formal association,  
13 just an informal one. At the time, he was never given the guidelines on Class VI road  
14 waivers. He feels that he was told one thing by a town official, and now the other town  
15 officials are going back on him. None of this is fair. Selectman Wolf stated that they  
16 are trying to work through this and it's not just about him. Mr. Folsom stated that he  
17 wanted to start work this summer but now he has to wait until next spring. He thinks  
18 the board should look at each case on the merits of the case. He's only asking for  
19 something that they have already given to others. Ms. Smith stated that she doesn't  
20 know what the requirements for building permits were in the 2000's. It's something  
21 that they can look into. The houses that were built over 20 years ago were probably  
22 not held to the standard that they have today. She would like to comment in relative to  
23 fairness. Certainly it would be fair to ask the building inspector to have an opportunity  
24 to respond to Mr. Folsom relative to what was said. He certainly deserves an  
25 opportunity to respond. When a building permit is applied for there is a certain  
26 burden of proof that is on the applicant to be sure that they know what they are  
27 required to do. It is the job of the building department to be able to provide whatever  
28 information is asked of us, and if someone has fallen short then they need to correct  
29 that. Mr. Preve stated that his house was built in 2006. At that time they had  
30 changed the rule to two acres of lot minimum. All the undersized lots were not  
31 grandfathered in. The zoning board spent months in appeal processes because they  
32 could not deny the rights of the people to use the property. The town is changing the  
33 allocation of the building permits after an established lot had already been made. The  
34 town cannot deny his right to use the property. The property is established as a  
35 buildable lot. There is an existing community with houses well beyond the 1,000 foot  
36 access point. Ms. Smith stated that part of what Mr. Preve stated is correct but a lot of  
37 it isn't. When a zoning ordinance is adopted by the voters and something does not fit  
38 within the ordinance it becomes non-conforming. There is a section in the ordinance  
39 that addresses non-conforming lots. In Northwood there was a lot size greater than the  
40 size of this lot, which is 1/5 of an acre, .22 acres that goes back to the 60's. So it's  
41 been non-conforming since the 1960's. A variance was obtained on that ordinance so  
42 he's met that portion of it. Mr. Preve stated that they had to bring in lawyers and fight  
43 to get it approved. They brought up court cases proving that you could not deny the



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1 right of property owners to use the property through zoning ordinance. Selectman Wolf  
2 stated that he would like to wait until Chairman Bryer is present before they make any  
3 decisions on the matter. Ms. Smith stated that she can look into the questions that  
4 were raised as far as other ones that were issued in the past. Mr. Folsom would like to  
5 know what the appeal process is if the selectmen deny it. Ms. Smith stated that he can  
6 appeal to the ZBA.

7  
8 ***Unfinished Business:***

9 Mr. Gunter stated that they need to sign the CAP agreement, the property and liability  
10 insurance for the town. Mr. Gunter looked for lower quotes and couldn't find anything  
11 lower than what they had.

12  
13 **Selectman Hodgdon makes a motion to approve Co-Chair Wolf to sign the CAP  
14 agreement. Motion carries; 2/0.**

15  
16 ***Acceptance of minutes – August 23, 2016***

17 **Selectman Hodgdon makes a motion to accept the August 23 as written.**

18 **Selectman Wolf seconds. Motion carries; 2/0.**

19  
20 **Selectman Hodgdon makes a motion to allow intent to cut on Map 243, Lot 13.  
21 All taxes have been paid. Selectman Wolf seconds. Motion carries; 2/0.**

22  
23 **Selectman Hodgdon makes a motion collect change of use tax on Map 210 Lot 69  
24 for the amount of \$6,200. Selectman Wolf Seconds. Motion carries; 2/0.**

25 **Selectman Hodgdon makes a motion to collect change of use tax on Map 236 Lot  
26 4. Total parcel area is 11.13 acres. Recent construction has developed .96 acres  
27 which no longer qualifies for current use. The town would like to recoup \$5,000.  
28 Selectman Wolf Seconds. Motion carries; 2/0.**

29  
30 **Selectman Hodgdon makes a motion to accept the manifest for payroll in the  
31 amount of \$51,765. Selectman Wolf seconds. Motion carries; 2/0.**

32  
33 ***Chairman Bryer joins the meeting at 7:30.***

34  
35 **Selectman Hodgdon makes a motion to accept the manifest number 18 for the  
36 amount of \$544,098.59. Selectman Wolf seconds. Motion carries; 3/0.**

37  
38 **Selectman Hodgdon makes a motion to approve the purchase order for TD bank  
39 from the facilities trust fund, lunch for the prisoners in the amount of \$59.40.  
40 Selectman Wolf seconds. Motion carries; 3/0.**

41  
42 **Selectman Hodgdon makes a motion to approve the purchase order for Heritage  
43 Hardware in the amount of \$100.80 out of the facilities trust fund for paint for**



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1 **Bryant Library. Selectman Wolf seconds. Motion carries; 3/0.**  
2

3 **Selectman Hodgdon makes a motion to approve the purchase order for TD bank**  
4 **from the facilities trust fund, lunch for the prisoners in the amount of \$66.70.**  
5 Chairman Bryer asks if they do a purchase order for each lunch. Mr. Gunter stated  
6 that they normally pay it out of whatever building they are working on, but for this job  
7 it was actually part of the facilities committee's yearly project. They are actually saving  
8 money by using the prisoners instead of hiring someone. They are only paying them  
9 with food.

10  
11 **Selectman Wolf seconds. Motion carries; 3/0.**  
12

13 **Selectman Hodgdon makes a motion to approve the purchase order for TD bank**  
14 **from the facilities trust fund, 3 days lunch for the prisoners in the amount of**  
15 **\$179.50.**

16 **Selectman Wolf seconds. Motion carries; 3/0.**  
17

18 **Selectman Hodgdon makes a motion to make a check payable to Hodgdon and**  
19 **sons in the amount of \$3,821.02 as the final installment for the construction of**  
20 **the ballfield, coming out of the recreation department revolving fund. Selectman**  
21 **Wolf seconds. Motion carries; 3/0.**

22  
23 **Selectman Hodgdon makes a motion to sign the affidavit stating Dale Sylvia is**  
24 **the town health officer. Selectman Wolf seconds. Motion carries; 3/0.**

25 **Selectman Hodgdon makes a motion to accept the purchase order from GMI for**  
26 **the amount of \$23,062.13 for crack sealing. Selectman Wolf seconds for**  
27 **discussion.**  
28

29 Selectman Wolf stated that he noticed that Bow Lake Road was on there. He thought  
30 they weren't going to take any money from anywhere providing they got the grant.  
31 There shouldn't be a lot of crack sealing. They just did a section from Route 4 up to  
32 the junction. The only section that needs to be done is from that corner to the bridge.  
33 He questions the amount of money they are asking for. Mr. Gunter stated that they  
34 paved Bow Lake Road three years ago. The seam down the middle section split down  
35 the middle. If they don't seal that before winter, water will get into it and pop the road  
36 right up. The quote is for the entire town. They didn't get the grant. Chairman Bryer  
37 asks if it would be better if they did this earlier in the season. Mr. Gunter said they  
38 waited on this project because they wanted to make sure they had enough money to  
39 do the major road construction projects.

40 **Motion carries; 3/0**  
41

42 **Selectman Hodgdon makes a motion to accept the quote from Manchester**  
43 **Paving for the amount of \$9,750 for the Gulf Road overlay. Selectman Wolf**



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1 **seconds. Motion carries; 3/0.**  
2

3 **Selectman Hodgdon made a motion to go into non-public to meet with town**  
4 **counsel under RSA 91A-:3, II (A, B), seconded by Chairman Bryer at 7:49 pm.**  
5 **Motion carries; 3/0.**  
6

7 **Roll Call**  
8 **Selectman Wolf – Yes**  
9 **Selectman Hodgdon – Yes**  
10 **Chairman Bryer – Yes**  
11 **Motion carries; 3/0.**  
12

13 **Selectman Hodgdon made a motion to come out of non-public, seconded by**  
14 **Selectman Wolf at pm. Motion carries; 3/0.**  
15 **Chairman Bryer stated that they still have some non-public issues that they**  
16 **have to deal with so the budget will be put off until the next meeting.**  
17

18 **Chairman Bryer stated that they just had a meeting with the town counsel,**  
19 **which is considered a non-meeting. So they came out of non-public to vote to go**  
20 **back into non-public.**  
21

22 **Selectman Hodgdon made a motion to go into non-public under RSA 91A-:3, II**  
23 **(A, B), seconded by Chairman Bryer. Motion carries; 3/0.**  
24

25 **Roll Call**  
26 **Selectman Wolf – Yes**  
27 **Selectman Hodgdon – Yes**  
28 **Chairman Bryer – Yes**  
29 **Motion carries; 3/0.**  
30

31 **Selectman Hodgdon made a motion to come out of non-public, seconded by**  
32 **Selectman Wolf. Motion carries; 3/0.**  
33

34 **Roll Call**  
35 **Selectman Wolf – Yes**  
36 **Selectman Hodgdon – Yes**  
37 **Chairman Bryer – Yes**  
38 **Motion carries; 3/0.**  
39

40 **Selectman Hodgdon made a motion to seal the minutes, seconded by Selectman**  
41 **Wolf. Motion carries; 3/0.**  
42

43 **Chairman Bryer makes a motion to accept Kevin Madison’s resignation with**



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1 **regret. Seconded by Selectman Hodgdon.** Selectman Wolf stated that he'd like to  
2 thank Kevin for serving the Town of Northwood for 28 years and wish him good luck in  
3 his retirement. Selectman Hodgdon and Chairman Bryer would like to echo that  
4 sentiment. **Motion carries; 3/0.**

5  
6 **Chairman Bryer reads Mr. Madison's resignation letter into the record.**

7  
8 *Dear Joe,*

9  
10 *Please accept this letter as notification of my retirement as a full time fire captain for*  
11 *Northwood Fire Rescue, and accept the offer made by the Northwood Board of*  
12 *Selectman to cover 100% of my family medical and dental insurance from October 1,*  
13 *2016 to September 2017. My retirement will be effective October 1, 2016. It has been my*  
14 *honor and privilege to serve the people of this town for the last 28 years.*

15  
16 *Kevin Madison.*

17  
18 Mr. Gunter stated that the road agent looked at the Chesley Memorial Library. The  
19 people that run the library would like the parking lot paved. They have received two  
20 bids. One for \$4,550 and another for \$9,210 to cut out the big chunks, fill in the  
21 cracks and to seal it. Selectman Wolf stated that he doesn't even remember hearing  
22 about this. Mr. Gunter stated that they have been talking about this since he started  
23 working for the town. Selectman Wolf would like it if the board would be informed  
24 sooner when requests like this come in. He doesn't like the way stuff comes in on the  
25 sly. They aren't being fair to everyone. Chairman Bryer stated that it should be asked  
26 for in the budget. Selectman Wolf stated that it should be asked for ahead of time, but  
27 he's okay to go forward with it.

28  
29 **Selectman Hodgdon makes a motion to alleviate the funds to Manchester Paving**  
30 **for work to be done to the parking lot of Chesley Memorial Library for the**  
31 **amount of \$4,550. Seconded by Selectman Wolf. Motion carries; 3/0.**

32  
33 **Discussion about making up the budget meeting results in two extra meetings**  
34 **being scheduled in October.**

35  
36 **Chairman Bryer makes a motion to adjourn. Seconded by Selectman Wolf.**  
37 **Motion carries; 3/0.**

38  
39 *Respectfully Submitted,*  
40 *Susan Jastremski -Austin*  
41 *Land Use Secretary*