

**BOARD OF SELECTMEN
TOWN OF MADISON
August 6, 2013
MINUTES**

Selectmen Present: Josh Shackford, John Arruda. **Absent:** Chairman Michael Brooks.

Others Present: Town Administrator Melissa Arias; Code Enforcement Officer Bob Babine; taxpayers Ben Pomeroy & Dick Martin; resident Bob King; Attorney Peter Malia; Madison TV Videographer Noreen Downs.

Where and When Posted: Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on June 30, 2011.

Meeting Called to Order: By Acting Chairman Shackford at 5:32 p.m.

APPROVAL OF MINUTES – Shackford made a **motion** to approve the Selectmen’s Meeting minutes of July 23, 2013 and July 25, 2013 as prepared, as well as the non-public minutes of July 25, 2013 that are being made public, seconded by Arruda, and so voted **2-0**.

APPROVAL OF MANIFEST – Shackford made a **motion** to approve the Manifest of July 29 – August 7, 2013 in the amount of \$341,470.76, seconded by Arruda, and so voted **2-0**. The Manifest breakdown is as follows: \$21,887.87 for payroll; \$7,065.42 for payroll liabilities; \$73,116.47 for accounts payable; \$189,401.00 for the Village District of Eidelweiss; and \$150,000.00 for the Madison School District (8/15/13 release date).

PUBLIC COMMENTS – Bob King spoke about the two items on the agenda. King first commented on the Veilleux’s request to cut trees on the Goodwin Town Forest property. King said their request makes it sound as though they think of the Goodwin Town Forest as “common area” within a development when in fact it is not. King recommended the Selectmen deny the request unless they can find a case of the public interest being served.

Bob King said there appears to be a common misconception that grandfathering is involved in the Pomeroy’s building permit denial but grandfathering doesn’t apply where property access is concerned. King said he believes the Code Enforcement Officer is of the opinion that grandfathering applies yet according to RSA 674:41 it doesn’t. King said he has literature from the Local Government Center to prove this point and informed the Selectmen that the consideration on whether or not to issue a building permit needs to be looked at “de novo”. King said this first time review would include the matter of access to the property. King said a dangerous precedent would be established if the Selectmen give approval in this case because there will never be a more extreme example of substandard access in Madison. King said one solution would be a conditional layout where the access would become a road to summer cottages. King said approving it as a driveway based upon the quality and characteristics of the subject property will result in the Selectmen having to approve all future requests or change being sued for not treating everyone the same. **END OF PUBLIC COMMENTS**

BUILDING PERMIT DENIAL PER RSA 674:41 – The Code Enforcement Officer has denied a building permit application from Pomeroy Limited Partnership (tax map 125, lot 003-001) to relocate and

replace an existing dwelling off the private portion of Winter Road, also referred to as Winter Road Extension, due to the access over a private road per RSA 674:41. The Selectmen said no decision will be made tonight by the Board because this matter will require review and comment by the Planning Board. Babine said the private road has been serving three different properties for over 60 years and is maintained by the same. Babine said the Pomeroy's have been before the Planning Board and Zoning Board and obtained all the necessary approvals. Shackford said he'd like to go look at the area before the matter comes back to the Selectmen from the Planning Board and suggested Arruda and Brooks do the same. Arruda said he reviewed the paperwork provided by the Code Enforcement Officer and doesn't see any reference to the private road or access other than whether a fire truck could turn around. Arruda asked when this matter will make it to the Planning Board and Arias said the September 4, 2013 meeting. The Board will forward the information to the Planning Board and in the meantime each of the Selectmen will go out independently to see the accessibility to the new (replacement) building. King said the biggest issue is the fact that the property cannot meet the State of NH standards where road frontage and access is concerned. King said upon the receipt of a building permit on a lot that doesn't conform to RSA 674:41 the Town is supposed to take a "de novo" review of the building permit application and whether it meets all applicable laws and regulations. King said the Town has received advice from the Fire Department on this property which should probably be looked at again. King said this is a precedent setting case of major magnitude. Arruda asked that the Planning Board be instructed to pay particular attention to the language and requirements of RSA 674:41 before rendering their comments to the Selectmen. Arruda asked Babine if the proposed new building is the same size or larger than the existing. Babine said the new building is the same size but is being built in a different location further back from the lake. Arias said the Selectmen's binders contained renderings of the proposed building that demonstrates the new building as a multi-level structure instead of the single level camp that is being replaced and the new building appears to be larger in size. Arias said one of the concerns is the new building will allow the property to be utilized earlier in the spring and later in the fall which could impact local services and will need to be a consideration per RSA 674:41.

GOODWIN FOREST TREE CUTTING REQUEST – Shackford explained the nature of the current request by the Veilleuxs to cut three dead or dying trees on the Goodwin Town Forest property that might fall and cause property damage. Arruda said he needs to take a look at the three trees and asked Arias to e-mail the Veilleux's to ensure the trees are properly flagged. Arruda said the Local Government Center was consulted at the time of the Veilleux's last request and the recommendation was that dead trees that could pose an eminent danger to someone's property should be taken down. Arruda said he'd be comfortable having the Selectmen look at the trees independently and reporting their recommendation to Arias who can give the Veilleux's permission out of session as long as two or more Selectmen concur.

BUDGET COMMITTEE RECORDING SECRETARY – Arruda brought up a request by the Budget Committee to have a recording secretary so all members can participate in the meeting. Arruda said he let them know that there isn't a budget line in the 2013 budget to cover the cost but that's not to say something couldn't be done. The Budget Committee estimates 30-40 hours per budget cycle, which runs late September through March Town Meeting. Arruda suggested asking the Land Use Administrator whether he'd like to pick up the extra hours if the schedule doesn't conflict with Planning, Zoning, or Conservation meetings. Arruda asked Arias to make this inquiry in the hopes that he's interested and available. If not we will have to brainstorm other possible candidates or place an ad.

NH BROADBAND MAPPING & PLANNING PROJECT – Arias reviewed with the Selectmen a map and informational handout from the NH Broadband Mapping and Planning Project being worked on this

summer by UNH students via the North Country Council. The goal of the project is to demonstrate the roads in Madison that have cable TV only, cable TV and dial-up internet, or dial-up internet only. The Town has been asked to review the map for accuracy and denote any changes that should be made. Arias said she's talked with the Road Agent and Code Enforcement Officer about this project and they are no more knowledgeable about this than she is. Arias said the only way to verify accuracy would be to determine who lives in the less populated areas of Town and make phone call inquiries about their ability to get cable TV and how their internet access is obtained (high-speed vs. dial-up). The Selectmen did not want Town employees tracking down this information for the benefit of the project since it is not something we have access to within Town Hall.

SELECTMEN'S MEETING PUBLIC NOTICE – Arias informed the Selectmen that a resident recently brought what they thought to be an error in the Selectmen's Meeting minutes to her attention. Arias said the current posting for the Selectmen's Meeting Public Notice at the Town Hall and two Post Offices states that the Board meets every other Tuesday at 5:30 p.m. in the Town Hall Meeting Room. This posting has been up since June 30, 2011. Arias said the resident assumed the Selectmen's Meeting minutes should have cited a 2013 date for the Public Notice. Arias asked the Selectmen if they would like a new Public Notice posted but the Board said they were fine with the current arrangement until such time as the meeting day or frequency changes.

SIGNATURE ITEMS –

Manifest

Payroll & Accounts Payable Checks

Veterans Credit Application – 112-010-015

Current Use Land Use Change Tax A-5 & A-5W forms – Norja, Inc. (112-010-017)

Intent to Cut Timber – Rancourt (Pound Road)

Petition & Pole License – 1 replacement pole on East Madison Road (PSNH)

Unlicensed Dog Warrant

MS-1 Extension Form – extend deadline from 9/1/13 to 9/18/13 for filing form with DRA

Appointment & Oath of Office – Veterans Advisory Committee

(Bruce Brooks, Ed Foley, Henry Forrest, Franklin Jones, Paulette Lowry, Jesse Shackford, John Sherwood, Richard Wells)

NON-PUBLIC SESSION – 6:08 PM – Shackford made a **motion** to adjourn the public session and go into non-public session under RSA 91-A:3II(c) to discuss a property tax matter with a taxpayer and then into a second non-public session under RSA 91-A:3II(c) to discuss a property tax matter with a taxpayer, seconded by Arruda, and so voted **2-0**. Roll Call Vote: Shackford – aye, Arruda – aye. **7:00 PM** – Arruda made a **motion** to return to public session and seal the minutes of the non-public sessions, seconded by Shackford, and so voted **2-0**.

7:00 PM – Arruda made a **motion** to adjourn the regular Selectmen's Meeting, seconded by Shackford, and so voted **2-0**.

NEXT SELECTMEN'S MEETING – The next regular Selectmen's meeting will be on Tuesday, August 20, 2013 at 5:30 p.m. in the Town Hall meeting room.

Respectfully submitted,

Melissa S. Arias, Town Administrator
Recording Secretary