

**TOWN OF NEWFIELDS SELECT BOARD
MEETING MINUTES
TUESDAY APRIL 9, 2024**

Select Board Present: Chairman Michael Sununu, Hoby Harmon & Mark Kasper
Others Include: Police Chief Young & Kris Martel from Northern Tree Service

The Select Board reviewed and approved the following items:

Checks Dated	4/12/24	Payroll Manifest	\$49,955.73
Checks Dated	4/12/24	Accounts Payable Manifest	\$18,929.15

Michael called the meeting to order at 7:01.

Michael announced the start of the Public Hearing at 7:00pm to discuss Eversource’s proposed tree cutting on Halls Mill Road which is a designated Scenic Road and therefore requires a public hearing. Eversource’s representative, Kris Martel from Northern Tree Service was in attendance.

Michael drove throughout Town with Crystal Franciosi from Eversource to review which trees would be cut.

Kris Martel introduced himself. He has worked with Eversource for several years. He explained that he will be trimming 15ft above primary wires and 8ft from the sides. Any limbs that are at least 6inches in diameter and dying will be removed. Anything healthy will be trimmed. The hazard trees that are marked with blue and white ribbon have not been approved for removal yet. Tonight’s discussion is just regarding the trimming of trees. Kris said that he will be reaching out to the residents prior to trimming any trees on their property. Any owner who would like to keep the wood should let him know, otherwise it will be removed by Northern Tree Service. Michael asked if they would be able to drop the wood at the Town’s salt shed for distribution. Kris and the Board will discuss it further closer to the removal time. Kris estimated this will be a four-week project.

Michael thanked Kris for the information and his time and closed the public hearing portion of the meeting.

Three Bearings Correspondence

The Board reviewed the email from Three Bearings who is the advisor to the Trustees of the Trust Fund. Three Bearings suggested the 175th celebration money raised in 2024 be transferred to the Trustees of the Trust Fund who will then release the funds to the operating budget for this year’s 175th celebration expenses.

MS-232

Michael motioned, seconded by Hoby, to sign the MS-232 Report of Appropriations Actually Voted. This outlines the appropriations for the Town based on the budget and warrant articles that were passed. All were in favor and the motion carried.

Minutes

Michael motioned, seconded by Hoby, to approve the 3/11 minutes as drafted. All were in favor and the motion carried.

Lynn Girard

Lynn Girard came in to discuss the two issues she addressed in her recent email to the Board.

1. Vernon Family Farm
2. Perceived bias among certain board members on the conservation commission towards her family regarding the situation with SELT.

Mark said he wants to ensure the Board remedies this situation. He described his experience with a neighbor when he lived in New York and how it was rectified by speaking with the neighbor. He would like to figure out a way so that everyone is taken care of. He told Lynn that she brought up a valid point about the Police cars which are parked on her property. She replied that she shares the same safety issues with the Town and is okay with the Police cars when the Vernon's serve alcohol. Mark agreed but suggested the Police park on the Vernon's property.

Lynn assured him that she does not have any hard feelings towards the Vernon's and did ask them to sit down and discuss her concerns with the farm. They were told by the Vernon's that the Town would not let them. She has a hard time with this considering the Conservation Commission comes to her property once a year and they have an issue with a pile of rocks that were there prior to her moving to the property and yet for some reason the Vernon's can move an entire rock wall that is historic, and has a conservation deed, to move their driveway so they can hold events in a non-commercial zone. She does not understand how she is questioned about rocks that she did not put there but the Vernon's are not held to the same standard. She added that she would 100% support them if they were in a different location – such as the Fire and Spice building. She feels the Vernon's are asking too much from their neighbors and other residents. Piscassic Road is not a road that should have that much traffic coming in and out of the Vernon property. Her driveway is hard enough for her children to pull in and out of and one cannot see what is coming up over the hill, which is exactly where the Vernon Family Farm is located. To have that many cars coming towards her driveway is concerning to her especially if they are serving alcohol.

Lynn's other issue with the farm is the music level. She feels the 65 decibels of amplification cannot be controlled. Jeremiah told her that he would come over and check the level, but in her opinion the music is not controllable. Mark suggested she ask them to

move the speakers. She replied that Vernon's have speakers in every direction. The only way they could move them is towards the back conservation land and that would not be effective for the Vernon's. Lynn said the speakers are pointed directly towards her property, but it is even louder for the Vernon's side neighbors. She continued to say one expects tractor or lawnmower noises from a farm but one does not expect a bass trembling in her family room when they are having a family movie night.

Mark asked what she feels the solution needs to be. She responded that they need to find a commercial zone to hold their events. She added that this is also affecting her property value. She understands that it is a business but sometimes there are roadblocks. Prior to finalizing the sale of her property, she was told by her realtor that she would not be able to hold wedding venues on the property because the Town would not allow it since it was not in a commercial zone. She stated that she grew up on a farm and supports farmers, but they should sell produce on the farm and hold the events elsewhere. These events are impeding their lives. The police do a great job slowing down the traffic, but it takes six cones and that alone should tell people that this is not the correct place to hold these events. All these vehicles are parked on conservation land spilling oil. When people put their land in conservation, they want it to stay in conservation and not be used in the way the Vernon's are using it. She said she has twelve acres of conservation land who's to say she should not do the same thing along with every other farm in Newfields.

Kent Lawrence feels the ordinances need to change and asked her to come in to speak with the Planning Board.

Lynn mentioned that she does not ever recall receiving the site plan information by certified mail. She received the one that was mailed after the kitchen was built. She feels they would have gone to the meeting if she had.

Michael said there were no site plans issued. This was one of the issues that first brought this before the Planning Board. There was a request for a building permit for a deck for the refrigerators. This was after the original farm store permit & process. The deck permit was then changed to add a roof. It wasn't until the facility was being used to serve food to the public that the Planning Board realized they needed to take a closer look. No site plan review was submitted. No electrical inspection or structural inspection was completed, which is standard for public buildings. The idea last year was to move the notice of decision to allow time to resolve the outstanding issues that were not addressed when the Vernon's started operating and that should have been addressed prior to the completion of the facility.

Lynn asked if the Town is okay with the Vernon's doing events. Michael replied that the notice of decision deadline is coming up in May and he presumes the Planning Board and/or Select Board will have to review and ensure the Vernon's are in compliance with what they agreed to.

Lynn and the Board pivoted to her issue with SELT/Conservation Commission.

Lynn said SELT has an easement onto to her driveway. She has tried hard to work with SELT. She was very patient with them because she appreciates what they do. They were told SELT would access their driveway once a year, but it continued daily for two years. Her driveway is between her house and garage. Dogs would be running around; son would be on a bike and her daughter would be on a horse and cars would come driving through her property with no notice. They asked SELT to provide a 24hr notice to ensure the safety of her family and animals. SELT told her they did not need to provide a notice and will notify the Girards when they see fit. It has been two years of them not providing 24hr notice before coming onto their property. Michael said he is astounded that SELT will not provide a notice. It is a reasonable request.

Lynn continued. The first year they had people driving on their lawn, breaking sprinklers, honking, and yelling at their yard workers to move vehicles out of the way etc. They were completely disrespectful. She has tried to be patient. She let SELT do what was needed but they continued to behave the same way for a second year. This is when the Girards started communications with SELT to resolve the issue. They offered to put their buildable lot which is on the opposite side of the trail from their house into conservation and presented a new driveway option in exchange for a 24hr notification. SELT was interested in the exchange and was agreeable to the 24hr notice. The Girards paid for a driveway survey which they never would have done had SELT not said they would provide a notification. They got all the way through negotiations including financials and then the Conservation Commission came to look at the property. After which SELT told them they cannot give them a 24hr notification. The Girards then pulled their offer.

Lynn emphasized that SELT is supposed to work with landowners, but they have refused to work with the Girards. After the offer was pulled, SELT became worse for them. Lynn said she is upset with the Conservation Commission because they never followed up with this issue. The Conservation Commission took it upon themselves to not put us on the agenda but to then talk about them when they were not in attendance at the meeting. She feels the Conservation Commission should have come to them and discussed what had been transpiring between her family and SELT since the last time the committee spoke with the Girards. She is very upset the committee spoke about them without knowing the situation. Her family was spoken about very negatively without them being there to defend themselves and the whole situation is very stressful.

Hoby said this is the reason he has pushed to have all board meetings recorded. What happened to her at that meeting was disrespectful.

Mark agreed that people should be able to have a civil discussion.

Lynn added that this driveway is not her main driveway. It is strictly for SELT's usage. The Girards have repaired the driveway and maintain it even though they do not use it. SELT has never offered to help maintain the driveway. They recently paved the driveway after SELT complained about a section of it. SELT showed up unannounced and she told them they

could not use it since she just paved it. Instead of understanding, SELT spoke with the Police department and then took them to court over it.

Kent said there must be a solution. Lynn responded that there is a solution. They came up with it previously and presented it to the Select Board – the access road off Bald Hill Road. The Girards reached out to their lawyer. There is no restriction on the deed that would not allow a driveway to be built for logging trucks to enter the Piscassic Greenway. The drive would be twice the length of the Girards, but the Girards offered to put their two-acre buildable lot into conservation. This lot is used by snowmobilers and others and if built on would disrupt the conservation area. The Girards also offered to fund the Bald Hill access road to ensure it would accommodate the timber trucks.

Mark asked if she knew why the offer was declined. She did not know. They were offered \$350k for the 2-acre lot by another party and with the additional funding for the road would have been close to \$500k in expenses.

Lynn said the Conservation Commission was not in favor of Bald Hill Road for the logging trucks. She believes putting a house in the middle of conservation land would be much more invasive.

Hoby elaborated that timber trucks only go through the Greenway every 12-15 years. Lynn added that the Town would not have to worry about cars going across the rail trail on a consistent basis.

Michael mentioned that he reached out to Rockingham Rail Trails (RRT) about the beaver situation which was discussed in the last Conservation Commission meeting. They brought equipment down the rail trail to deal with the beaver dams. During his conversation with RRT about the beavers, he asked if they could come down the rail trail and access the area without coming onto the Girards property.

Lynn told him she told SELT she would not need 24hr notice if SELT accessed their property via the trail since their family does not use the two-acre lot as they do their house/driveway area. SELT told her they would need a key to the trail gate. They are not willing to call them with 24 hr. notice and they are not willing to get a key.

Hoby said there will be a larger safety issue when they bring a logging truck into her driveway via Piscassic Road.

Lynn is aware of the many residents who utilize the Piscassic Greenway, and she appreciates SELT maintaining it which is why her family has tried everything to work things out with SELT. They have offered more than they should have ever had to, and it is very disappointing to hear the Conservation Commission speak so negatively about them and treat them so disrespectfully.

Mark would like to see a way to mediate things between everyone; the Vernon's, SELT and Girards.

Michael said the Town did try to assist multiple times. The Select Board supported the 24hr notice and the alternative routes. Unfortunately, there was not a resolution and now that it is in court, it may cause legal issues for the Town if we get involved.

Partikian Letter

Hoby presented the draft letter he wrote in response to Mr. Partikian's letter along with a three-page support documentation listing all key points of the issues and the attempts made by the town these past nine years to resolve this issue.

Mark said he feels like he's in the twilight zone going around and around on something that should not be so difficult. He asked what communication was done with the Planning Board.

Michael responded that this letter is not to the Vernon's, this letter is in response to Mr. Partikian's complaints that the Board has not been acting properly. If someone sends a complaint to the Board, the Board will address it. We have had a series of complaints from Mr. Partikian and the Board has addressed him every time. Hoby has compiled a history of what has been done over the years to show why the Board has responded the way it has. Mark said some of these letters that get sent out should be looked out strictly as a let us be done with it somehow. The Town has spent \$30k-\$40k on legal fees.

Michael clarified that legal was not involved with this situation. Hoby has taken point on this matter. This response to a citizen about decisions that have been made by the Town. He believes, for the most part, the Board has been responsive, but they keep getting complaints about the Board not being responsive.

Hoby said Mr. Partikian's continuous theme is that there is inequitable treatment by the Board which is why he collated three pages of events to show the facts and the responses of the Board. Hoby said that all documents are public and available to review. He referenced a 2-inch binder of supporting documentation which the three-page letter summarizes.

Michael motioned, seconded by Hoby, to send the letter on behalf of the Board to Mr. Partikian. All were in favor and the motion carried.

Appointments

Michael motioned, seconded by Hoby, to approve Shawn McGowan's appointment for Planning Board Alternate. All were in favor and the motion carried.

Michael motioned, seconded by Hoby, to approve Jamie Thompson's appointment for Planning Board member. All were in favor and the motion carried.

Michael motioned, seconded by Hoby, to approve Robert Kelly's appointment for Newfields Health Officer. All were in favor and the motion carried.

Michael motioned, seconded by Hoby, to approve Jeff Feenstra's appointment for Deputy Emergency Management Director. All were in favor and the motion carried.

Michael motioned, seconded by Mark, to approve Michael Price's appointment for Planning Board member. All were in favor and the motion carried.

Michael motioned, seconded by Hoby, to approve Kent Lawrence's appointment for Zoning Board of Adjustment. All were in favor and the motion carried.

Michael motioned, seconded by Hoby, to approve Scott Sakowski's appointment for Zoning Board Alternate. All were in favor and the motion carried.

Michael motioned, seconded by Hoby, to approve Catherine Tarnowski's appointment for Zoning Board Alternate. All were in favor and the motion carried.

Michael motioned, seconded by Hoby, to approve Wayne Young's appointment as Deputy Emergency Management Director. All were in favor and the motion carried.

Michael motioned, seconded by Hoby, to approve John Hayden's appointment for Rockingham Planning Commission. All were in favor and the motion carried.

Dave Mason and Jeff Couture's Conservation Commission appointments were held over for further discussion considering the conversation tonight. The individuals will be invited to come before the Board to speak further on the issues. Lynn added that one of the individuals was the one who spoke very negatively about the Girards and feels there is definite bias towards them. This person is also on the Planning Board and when they went before the Planning Board about building on the 2-acre lot, the person was more interested in the impact it would have for SELT, which has nothing to do with the functions of the Planning Board.

Resident Christine McDade said she noticed these members are mostly men and asked what the Town should be doing to add more diversity within the boards.

Michael replied that it is very hard to find people to serve on the Boards including elected positions such as the School Board. Anyone who is interested in volunteering can come and meet with the Boards. The issue is finding people who want to dedicate their time.

Christine asked how one finds out about the Boards and the positions. Michael said that the first thing people should do is to show up at the various meetings and have a conversation with the Board members about the positions.

Kent Lawrence added that Sue McKinnon, the Town Clerk, sends out town wide emails to anyone who has provided her with their email address announcing available positions.

Mark asked what Board position she was interested in. Christine replied that she was just interested in the process right now.

Town Landing Quotes

Deferred until next meeting for time to review.

Rugg Property

Michael provided the other members with a drafted request for a quote for a consultant to help oversee the Rugg property purchase. Michael feels it would be in the best interest of the Town to consult with someone who has expertise in this matter to ensure deadlines are not missed. The other Board members will take it home to review.

Michael motioned, seconded by Hoby, to have Mark take the lead on the loan application. All were in favor and the motion carried.

Miscellaneous

The board reviewed the March revenue and expenditures.

399 Piscassic Rd

The Board requested 399 Piscassic Rd be added to the next meeting's agenda.

At 8:47, Michael motioned, seconded by Hoby, to adjourn the meeting. All were in favor and the motion carried.

Respectfully submitted,

Kisha Therrien