

**Town of Danbury**  
**BOARD OF SELECTMEN MEETING MINUTES**  
**April 21, 2021 6:00 PM**

**Present:** **Jessica Hatch, James Phelps, Tracy Shepard – Selectmen**  
**Karen Padgett- Administrative Assistant**  
**Road Agent Cornell** **6:15 - paving quotes, new bridge quote, floors**

Others present: Evelyn and Guy Pagella, Mary Brady, Wayne Rand, Richard Mancini, Lorraine Campofiori, Patrick Burt, Jason and Michelle Potter, Terry Taylor, Chief Dave Suckling, Sergeant Spencer Marvin

**Checks/Applications/Signatures**

- **Payroll and accounts payable** were signed.
- Jim motioned to approve the **minutes of 4/7**, seconded by Tracy. Minutes approved 3-0.
- Jim motioned to approve a revised **timber tax bill** for operation 20-111-01-T/Lambrech in the amount of \$28.61. Motion seconded by Jessica and passed 3-0.
- Jim motioned to sign a **current use application for Forbes Mountain Trust for 401-001-002** putting an additional 7.62 acres of their land into current use. Motion seconded by Jessica and passed 3-0.
- Jim motioned to approve a **Certain Disabled Veterans’ Exemption for owner of 411-109**. Motion seconded by Jessica and passed 3-0.

**Building Permit Applications**

**09-2021B VLK 412-072, 48 Martin Dr.** /home addition, new shed and pavilion/ Jessica motioned to approve the permit, seconded by Tracy. Motion passed 2-0 with Jim recusing himself from the vote.

**10-2021B DANFORTH 409-042 118 Waukeena Lake Rd** -20x24 barn/Jim motioned to approve the permit, seconded by Tracy. Motion passed 3-0.

**Old Business:**

- The deed transferring the **79 Ragged Mountain Road** property to high bidders Stanley and Samantha Phelps was reviewed for errors. Jessica motioned to sign the deed, seconded by Tracy. Motion passed 2-0 with Jim recusing himself from the vote. Deed was signed and will be recorded at the Merrimack County Registry of Deeds . Once it is recorded, the Voluntary Merger of Lots process will be reviewed with the new owner.
- Mike, from LOCO Sports agreed to post signs a week in advance of the **100 mile relay** race that is scheduled **to be run through Danbury on August 14, 2021**. In Danbury relay runners will use the Northern Rail Trail on the way through town to Franklin. The return route has them running over Murray Hill Rd, across NH Route 104 to Taylor Hill Rd, Bohonon Rd, North Rd and out Wild Meadow Rd to Grafton.
- Cemetery wages were increased to \$10.00/hour.

**New Business:**

- The owner of 56 Judkins Drive wants to put grapple load of wood in town owned portion of **Judkins Drive** as he has no place for it on his property while he cuts and splits it. Jessica motioned to ok this, seconded by Jim. Motion passed 3-0.
- A potential buyer of property on Brookside Lane asked if a voluntary merger of lots could be undone as the title to one of the two pieces is not clear. Per NH law, once properties are merged in this manner, only a subdivision approved by the Planning Board can separate them.
- Vacation request for Karen was approved.
- There is a mobile home on the property of Danbury Storage since the property changed ownership. The new owners will be contacted to ensure that the placement is temporary.
- The **contract for the new highway truck** purchase was signed on 4/13/2021.
- Mr. Charles Higgins came by last week to pay a \$25 fine for plowing across the road. Karen explained that it was a courtesy letter sent by the Highway Department and no fine was due.

## Road Agent Cornell

- Only one bid has been received for the **bridge replacement on upper Walker Brook Road**. A second quote is needed.
- Paving quotes for the North Road paving project were reviewed. Jim motioned to **award the paving contract to the low bidder, GMI**, seconded by Jessica. Motion passed 3-0.
- Road Agent Cornell would like to put **flooring in the office, bathroom, and breakroom of the Highway garage**. It would be vinyl plank. Jim is not in favor of this as he feels the concrete floors are sufficient and suggested the funds come out of the Highway budget, not the General Government building line. **Jessica motioned to put flooring in the office and the bathroom with the funds out of the GGB budget line, seconded by Tracy. Motion passed 2-1 with Jim opposed.**
- The annual request for **sand bids will go out this week**.
- There is an issue with the plowing and grading of **Buttrick Road**. In one section of the road, the owner is the same on both sides of the road and has an issue with the town plowing/grading. Jeremy will have a meeting with the owner to discuss.
- Jessica told about a call received that **trash is being dumped on Jack Wells Road by the bridge**. She asked if the Highway crew could pick up an appliance dropped there. The Danbury PD will be asked to patrol through the area.
- The **New Canada Road turnaround** was discussed. Dan Hudnut, representing the property owners, requested that the conservation easement portion of the easement deed be updated with language requested by the state. Once the documents are in place, a meeting will be set up with Selectmen, Road Agent and the property owner to discuss the clean up and the rock barrier that the town will install.
- Also on New Canada Road, Jessica said the town needs to follow through with straightening out the road where Ragged Mountain Resort deeded us the property for that purpose. All of the lots of that subdivision have been sold. There is a telephone pole that will need to be moved. Jeremy has a contact person to call to have the pole removed. **Jim suggested a letter be sent from the Selectmen's office asking that the pole be moved.**

## Dean Road Residents

Evelyn Pagella spoke on behalf of a group of **residents on Dean Road who are against the operation of a home occupation business in their neighborhood** and read a statement. She cited a Concord court case referencing 10.1.3 of land use and zoning that defines a home occupation.

She asked for enforcement by the Danbury Board of Selectmen to shut down the operation of the home occupation. Other Danbury residents of the area of Dean Rd spoke out against this home occupation as well. The complaints range from employee numbers, large truck traffic, employee traffic and delivery traffic on the road, unsafe shooting, noise from the equipment, bright lights that light up the sky, unfriendly neighbor, the owner of the property does not live there, the potential of a helicopter landing, There was heated discussion.

Jessica asked why, after 6 years that this home occupation has been in operation, now all sudden are the neighbors upset. The response was it happened incrementally.

Jim asked if there is common ground or compromise, and the Board will take the items for discussion with Mr. Hannan. Helicopter, middle of the night deliveries, the number of employees, machine gun shooting, too many road repairs by the Danbury road crew, and the contents of his storage lockers are the some of the issues state by the group in attendance. The Board granted the home occupation permit according to the guidelines they had. They will meet with Mr. Hannan and discuss these issues and try to negotiate some common ground.

Mary Brady stated that the noise and the lighting issues have been addressed and are better. Evelyn Pagella asked that in the future the Board conduct inspections for these types of home occupations. They should not have to spend their money for an attorney to fight this.

Chief Suckling spoke to the group about the laws regarding shooting.

Jim told the group that Board appreciates their coming in and know there is frustration up there. They will meet with Mr. Hannan about the issues raised.

At the approximately 7:35pm the group left the meeting.

### **Jason Potter – Railroad Drive**

Mr. Potter's neighbors are still making access to his property on **Railroad Drive** difficult. There are still items (motorcycles, basketball hoops) parked in the road right of way. The Ardines contacted the State Police to prevent them from going past their property on the road to access his property alleging trespassing issues.

Jim said it might be a good idea to write a letter to the Ardines as a matter of record stating the information we have regarding the status of the road. In addition, to add a caveat that unless they can prove otherwise through a survey or legal opinion, the Town of Danbury, through our research determines the road in front of their property to be a public right of way and as such you have no right to stop anyone from using it.

Jim motioned for the Board to sign **the road liability waiver** document prepared by Karen for the Potter's to sign. Motion was seconded by Jessica and passed 3-0. The Selectmen and Mr. and Mrs. Potter signed the road liability waiver.

### **Selectmen Items:**

Jessica received information from **Consolidated Communications** that the fiber optic rates for Danbury will be dropping. She will forward the information to Karen to have in case there are questions.

The Board discussed a Facebook post that indicated Newfound Fitness is relocating to the **Red Barn Inn** on NH Route 104. They asked Karen to send a letter to the property owners that site plan review might be needed.

At 8:17 Jessica motioned to go into non public session per

***RSA 91-A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board, unless such person requests an openmeeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.***

Motion was seconded by Tracy and passed unanimously.

At 8:21 Jim motioned to come out of non public session, seconded by Jessica. All in favor

Jim motioned to seal the minutes of this non public session, seconded by Jessica. Roll call vote: Jessica – yes, Jim – yes, Tracy – yes.

At 8:22 Jessica motioned to go into non public session per

***RSA 91-A:3, II(e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against this board or any subdivision thereof, or by or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled***

Motion seconded by Jim and passed 3-0.

At 8:40 Jim motioned to come out of nonpublic session, seconded by Jessica. Motion passed 3-0. No decisions were made, no votes taken.

### **FYI/No action needed.**

- ZBA notice of decision 4/14/2021.
- Forms A-12 received Grange, Bible Church, Danbury Historical Society
- 941 and NH Employment Security quarterly reports
- Wage summary report/change in rate of pay document.
- 35 Spruce Lane septic
- Final eq ratio letter
- Cornell RTK workshop attendance
- Lake Sunapee VNA report

*Respectfully submitted, Karen Padgett, Administrative Assistant*