

Board of Selectmen Meeting
Minutes of November 27, 2006

Selectmen: *Peter N. Miller, Chairman*
Peter F. Brothers
Miller C. Lovett
Frank S. Michel
Colette Worsman
(Absent with Notice)

Town Manager: *Carol M. Granfield*

Recording Clerk: *Karin Landry*

Call to Order: Chairman Miller called the meeting to order at 5:35 p.m.

The Chair introduced the Board, Town Manager and Recording Clerk.
Announcements were made pertaining to fire exits, listening assisted devices and microphones.

ACCEPTANCE AND/OR CORRECTION OF MINUTES:

06-59 Approval of Minutes of: November 13, 2006 Board of Selectmen Meeting.

Colette Worsman motioned to approve the minutes of the November 13, 2006 Board of Selectmen meeting as presented. Seconded by Peter Brothers. 4-0-0. Motion passed.

TOWN MANAGER'S REPORT:

- The tax bills were sent out on November 17 and are due 30 days later, December 17.
- Employees will be honored and service awards presented at the annual employee recognition luncheon on Friday, December 8 from 12-2. The Town offices will be closed during that time.
- The next Selectmen meeting is scheduled for Monday, December 4 at 5:30 p.m. It will be followed by a workshop at which time the Town Manager's budget will be presented to the Board
- The budget workshop meetings will be held on December 7, 11 and 14 from 4 p.m. until 7 or 8 p.m. at the Town Hall Annex. Additional workshops might be scheduled. It has not been determined at this time if the December 18 meeting will be a regular Board meeting or a workshop.
- A new cable show is taping for December featuring the Altrusa Service Club and the New Hampshire Lakes Association.
- Long-time prior employee Ken Sargeant, sexton for the cemetery, recently passed away.

- There has been recent press regarding how the overlay is determined. The overlay is determined as an administrative decision. The procedure can be modified if the Board wishes to do so.

VISITOR'S AND RESIDENT'S COMMENTS:

None

SELECTMEN COMMENTS (Reports on Committees 2nd meeting each month):

Committee reports were presented at the November 13 Board meeting.

NEW BUSINESS:**06-60 Ducharme Subdivision Road Standard Waiver, Road Name Request and Off Site Improvements to the Public Right-of-Way**

The Ducharmes are requesting two waivers of road standards, an approval of road name and authorization from the Board to allow improvements to a public right-of-way. The Planning Board has given its conditional approval and the matter is coming before the Board for review and final approval. Carol Granfield referred to the Staff Report (**SEE ADDENDUM I**) prepared by Town Planner John Edgar that includes comments by the Police and Fire Chiefs and the Director of Public Works.

Carl Johnson of Associated Surveyors in Meredith gave a presentation on behalf of the Ducharmes. Paul Fluet of Fluet Engineering and Ed Ambrose of Ambrose Construction were present to answer questions presented by the Board and public.

The following road standard waivers have been requested:

- A. **Cul-de-Sac-Length.** The applicant is requesting a 1,500 foot roadway where there is a 1,000 foot restriction. The longer road will allow the cul-de-sac to be positioned at the portion of the property with a gentler slope. It will also allow the 10 to 100 acre lots to be accessed without long driveways. The configuration of the property is the prime reason for requesting a waiver of the road length. The request is not being made in order to access parts of the property to facilitate more lots. The average lot is well over 20 acres where 10 acres is required. The Planning Board has endorsed the reduced roadway standard.
- B. **Roadway Cross Section Width.** The applicant is requesting a slight reduction in the width of the roadway that is consistent with a subdivision of a smaller to moderate size. The Town standard is meant to accommodate all subdivisions and gives no relief for a subdivision of this size. Mr. Johnson noted that waivers of road width were granted for Clover Ridge and Corliss Farm subdivisions. The Planning Board has endorsed the reduced roadway standard.

- C. **Approval of Proposed Road Name.** The name does not conflict with existing road names in Meredith or those roads serviced by the mutual aid system.
- D. **Authorization for Improvements to Public Rights-of-Way.** John Edgar informed the Board that there was extensive public testimony and discussion regarding offsite improvements. Town counsel advised that it is the ultimate responsibility of the Board of Selectman to function as custodians of public rights-of-way. He detailed the conditional approval of the Planning Board as set forth in the Staff Report.

John set forth the fiscal impacts of the requested road waivers right-of-way improvements. If there is a request for resubdivision of the property, it must come before the Board to be reviewed on its own merits.

The Board posed questions regarding the road base, the sequence of events and how \$18,540 for 3" of gravel to be added to Higgins Road and New Road will be designated. Mike Fowler of the Public Works Department requested significant improvements to the public right-of-way but believes the improvements set forth in the Staff Report are a reasonable compromise. Dialogue ensued regarding initial classification of a road as a private road with private responsibilities. The Board can be petitioned to consider acceptance as a dedicated right-of-way in the future.

A sample draft motion prepared by John Edgar was used as a guideline in making the following motion:

Frank Michel moved that the Board:

1. *Approve the requested waiver to permit a 1,500' cul-de-sac on the basis of the local conditions associated with the subdivision and that the proposal is acceptable to the Fire and Police Departments; and*
2. *Approve the requested waiver to permit a 24' roadway cross section consisting of two 10' paved travel lanes plus two 2' shoulders as it is acceptable to the Department of Public Works and consistent with prior decisions of the Board of Selectmen; and*
3. *Approve the proposed road name of "Ducharme Road" as it has been reviewed by the Fire and Police Departments and found to be acceptable from a 911 perspective; and*
4. *Authorize the improvements to the Y corner intersection, and the addition of 3" of gravel to Higgins Road and New Road as required pursuant to the Planning Board decision of 10/24/06 and as outlined in the Town Planner's Staff Report dated 11/17/06, p. 3, items 1-6, subject to the private contractor providing evidence of adequate liability insurance coverage, in an amount and manner acceptable to the Town, prior to the commencement of construction.*

Seconded by Peter Brothers.

Colette Worsman moved to amend the motion by adding:

- 5. *Waivers and approvals are granted in the context of proposed 9 lot subdivision and any resubdivision may require reconsideration of these approvals.*

Seconded by Frank Michel.

It was the general agreement of the Board that the amendment is prudent and consistent with what the Town Planner suggested.

The Board acted on the amendment. 4-0-0. Amendment passed. The Board acted on the original Motion, as amended 4-0-0. Motion passed.

The Board meeting adjourned to a workshop at 6:17 p.m. The public was invited to attend.

Respectfully submitted,

Carol Granfield, Town Manager

Peter N. Miller, Chairman

Karin Landry, Recording Clerk

Peter F. Brothers

Frank S. Michel

Colette Worsman

ADDENDUM I

Subdivision Application Chronology. On 6/27/06, the Planning Board accepted the subdivision application of Albert and Donna Ducharme for a 9-lot subdivision located on New Road in the Forestry and Conservation District. (Note: this application followed a previous subdivision application for the same property that was considered extensively by the Planning Board and ultimately withdrawn by the applicant). The current 9-lot proposal involves seven lots that would be accessed via an internal subdivision road and two lots located off a common driveway separate from the subdivision road. A public hearing was held on 7/11/06. The public hearing was continued to 8/22/06. A site inspection was held on 8/12/06. A public hearing was held on 8/22/06. The hearing was continued to 10/24/06 to allow time for the applicant to prepare and submit design and cost information for off site safety improvements to the Y Corner intersection (Chemung Road, Higgins Road and Carleton Road) and cost estimates for additional gravel for Higgins Road and New Road to the Meredith/Sanbornton town line. On 10/24/06 the Planning Board conditionally approved the subdivision application. This decision followed several hearings and extensive public testimony and board deliberation. Twenty conditions were established by the Planning Board, several of which involve the Board of Selectmen. The minutes of the proceedings mentioned above plus the full Planning Board File are available for review at the Planning Department office. See Notice of Decision dated 10/24/06 attached for reference.

Engineering. Engineering plans for the internal subdivision road were prepared by Paul Fluet, P.E. The road plans were reviewed and approved by Lou Caron, P.E., Consulting Engineer for the Planning Board. The plans were reviewed and approved by NHDES as part of the NHDES Site Specific Permit (reference Permit # WPS-396). The plans for improvements to the "Y" corner intersection were prepared by Paul Fluet, P.E. and reviewed and approved by Mike Faller, Director of Public Works.

Road Names. Under RSA 231:133 the governing Body has the authority to assign street names (reference: A Hard Road To Travel- NH Law of Local Highways, Streets and Trails, Local Government Center, 2004, p. 109-110). Proposed names should not be confusingly similar to other street names in the municipality.

Discussion:

Three of the twenty conditions established by the Planning Board are precedent to final approval, and necessitate action by the Board of Selectmen, specifically:

1. Waivers of Road Standards (Planning Board Condition No. 7)
 - A. length of cul-de-sac
 - B. roadway cross section width
2. Approval of the proposed road name- "Ducharme Road" (Planning Board Condition No. 8)
3. Authorization from the Board of Selectmen allowing improvements to public Rights-of-Ways (Planning Board Condition No. 11).

1. Road Standard Waivers

A. Cul-de-Sac Length. The Selectmen's Minimum Road Standards Ordinance establishes a 1000' maximum unless in the opinion of the Board of Selectmen a greater length is necessitated by topography or other local conditions. The proposed cul-de-sac is 1500' +/- in length. The requested waiver has been reviewed by Chuck Palm, Fire Chief and Kevin Morrow, Chief of Police. They note that they would not prefer this situation, however considering the details surrounding the situation, the proposal appears to be acceptable. See attached correspondence dated 11/16/06 for reference.

B. Roadway Cross Section Width. The Selectmen's Minimum Road Standards Ordinance establishes a 26' cross section width (two 10' paved travel lanes plus two 3' gravel shoulders). Applicant proposes a 24' cross-section width (two 10' paved travel lanes plus two 2' shoulders). The proposed roadway width is consistent with previous projects (Clover Ridge Road- 18 lots, Corliss Hill Farm- 8 lots). Mike has reviewed the proposal and has no objection to the waiver request.

I have asked design engineer Paul Fluet, P.E. to provide supporting documentation/justification for the requested waivers.

2. Approval of Proposed Road Name. Applicant has submitted "Ducharme Road" as the proposed road name. The proposed name has been reviewed by Police Chief Kevin Morrow and Fire Chief. See attached correspondence dated 11/16/06 for reference. As emergency responders they are intimately familiar with our 911-address system and associated street names. They have determined that the proposed name does not present a problem as there are no similar names in Meredith or the towns covered by Lakes Region Dispatch.

3. Authorization for Improvements to Public Rights-of-Way.

During the application staffing process, Tim Bates, Town Counsel was consulted on the respective jurisdiction of each Board as it relates to off-site road matters. The Planning Board has the authority to require applicants to make proportionate off site improvements necessitated by their development, as a condition of subdivision approval. However, the governing body, i.e., the Board of Selectmen, is ultimately the custodian of public roads. Tim advised that it would be appropriate to secure concurrent approval from the Board of Selectmen authorizing improvements to a public ROW that are required pursuant to a Planning Board decision.

In this instance, the Planning Board labored thru it's responsibilities examining the impacts of the project, the adequacy of the roadway system to accommodate the impacts, the five road improvements recommended by the Department of Public Works and the responsibilities of applicant and the town. After scaling back the scope of improvements recommended by DPW, the Board ultimately required the applicant to be responsible for: (A) 100% of the actual cost for off-site safety improvements at the "y" corner intersection, not to exceed the unit cost estimate total of \$44,246 prepared by the design engineer, and (B) 100% of the estimated cost of \$18,540 (submitted by Ambrose

Bros. Construction) for 3" of gravel to be added to Higgins Road and New Road. There is no pro-rated cost share required on the part of the town.

Following the Planning Board's decision, myself and Mike Faller met with Albert Ducharme, Paul Fluet, P.E. and Ed Ambrose for the purpose of working out the details associated with how these improvements would be implemented. There is consensus between the staff and applicant to proceed as follows:

1. Applicant will contract directly with Ambrose Brothers Construction for the improvements to the Y Corner intersection in accordance with plans prepared by Paul Fluet, P.E. as approved by Mike Faller and the Planning Board.
2. Mike is comfortable with the selection of Ambrose Bros. to perform the work in the town's right-of-way.
3. Applicant will provide a performance guarantee to the Town of Meredith in the form of a letter of credit in the amount of the not-to-exceed figure (\$44,246) established by the Planning Board to cover the Y Corner intersection improvements.
4. Mike Faller will provide project oversight on behalf of the Town of Meredith and ensure that one lane of travel is provided for during construction.
5. Applicant will escrow \$1500 with the Town of Meredith to cover Mike's costs to provide project oversight.
6. Applicant will make a one time, lump sum payment of \$18,540 to the Town Meredith for 3" of gravel to be added to Higgins Road and New Road. At Mike's request, DPW will apply the gravel in conjunction with its regular road grading and maintenance operations.

The above scenario has been discussed with Planning Board Chairman Vadney who has concluded that it is consistent with the Planning Board's decision of 10/24/06.

Issues:

Fiscal Impacts:

- Road Standard Waivers: None.
- Road Name Request: None.
- Authorization for improvements to the public rights-of-way:
 - Applicant will be contributing significant funds to improve the public roadway system.
 - Applicant will cover the Town's cost to provide project oversight.
 - Applicant will guarantee satisfactory completion of the project via a performance guarantee. The form of the guarantee will be a letter of credit acceptable to the town which will cover any town exposure should the applicant abandon or neglect construction within the public ROW.
 - There are no pro-rated cost share requirements on the part of the town.
 - The Town would incur limited additional costs to apply the gravel to Higgins and New Roads that would be above and beyond normal grading and maintenance operations.

- The private contractor should provide evidence of adequate liability insurance coverage, in an amount and manner acceptable to the town, prior to the commencement of construction.

Recommendation:

Assuming there to be no significant concerns raised by the Board at the 11/27/06 meeting, it is recommended that the requests be approved as discussed above.

SAMPLE DRAFT MOTION:

Mr. Chairman, In light of our discussion and the comments of the town staff as provided this evening, I would move the following;

1. The Board of Selectmen approves the requested waiver to permit a **1500' cul-de-sac** on the basis of the local conditions associated with the subdivision and that the proposal is acceptable to the Fire and Police Departments; and
2. The Board of Selectmen approves the requested waiver to permit a **24' roadway cross section** consisting of two 10' paved travel lanes plus two 2' shoulders as it is acceptable to the Department of Public Works and consistent with prior decisions of the Board of Selectmen; and
3. The Board of Selectmen approves the **proposed road name of "Ducharme Road"** as it has been reviewed by the Fire and Police Departments and found to be acceptable from a 911 perspective; and
4. The Board of Selectmen **authorizes the improvements** to the Y corner intersection, and the addition of 3" of gravel to Higgins Road and New Road as required pursuant to the Planning Board decision of 10/24/06 and as outlined in the Town Planner's Staff Report dated 11/17/06, p. 3, items 1-6, subject to the private contractor providing evidence of adequate liability insurance coverage, in an amount and manner acceptable to the town, prior to the commencement of construction.

Prepared By:

John C. Edgar, Town Planner