

## **BOARD OF SELECTMEN MEETING**

**December 5, 2023**

### **MINUTES**

**Present:** Shawn Talbot (Chair), Jason Somero, Lou Alvarez, Debbie Deaton (Town Administrator)

**5:00 Open Meeting** with the Pledge of Allegiance

**5:09 110 Lower Pratt Pond Road Map 3 Lot 92-2 :**

**Present:** Dean Pacheco

Received stop work order. This was a surprise to Mr. Pacheco since he resurfaced the driveway a year and a half ago. He states that the property had an existing driveway when he bought the house. Mr. Pacheco presents the board with a photograph from a 2021 real estate listing at time of purchase that shows the driveway on the parcel. The driveway is 30-35 feet when purchased. The dimensions have not changed. At the time, was told he was not required to get a permit to put gravel on driveway. As far as Mr. Pacheco knows, the driveway meets wetland setback requirements as it was existing before. He does not see a reason why he should stop work of second driveway since permit was not needed before. Jason speaks about the term "grandfathered" and that there is no "grandfathering" to wetland setbacks or driveway regulations. The proposed second driveway was measured to be only 30 feet from wetlands. The proposed use is for a driveway and parking area. There are no driveway permits in property files. The original driveway was a shared driveway, which is located on the lot next to the second driveway. Plowing is a main concern of abutters.

Shawn states the two reasons for the stop work order is there is a violation of wetland setbacks and no permit for the proposed or existing driveway. Shawn agreed to contact past building inspector to speak about pre-existing conditions and look into the results of DES' findings of the proposed second driveway. The board feels there is still not enough information to make a definitive decision on this matter.

**6:10 James Coffey**

Presents a question to the board. The three Board of Selectmen members attended the past Finance Advisory Budget committee meeting. Was the BOS attendance at this meeting posted? This meeting was not posted because it was not an official meeting with a decision making process involved. The BOS was only attending to hear of the finances. Mr. Coffey notes that all joint meetings should be posted as such. Town Administrator will publicly notice future joint meetings appropriately.

**6:14 445 Turnpike Road – Minimal Impact Home Occupations**

**Present:** Jennifer Worth

**Minimal Impact Home Occupations – P. 40, Section M of the New Ipswich Zoning Ordinances**

The property in question has a registered trucking business with the State of New Hampshire. The matter at hand is to discuss as a board if the parcel owner needs a zoning variance for relief of a visible impact to abutters caused by the trucking business registered to the parcel owner. It was discussed that the property owner has the right to park a truck on the parcel. There are not customers coming and going to this

business, it is simply parking a work truck. There is a minimal impact to home occupations because of visibility. The property is in the rural district. Chair feels enforcement or discretion could be used in this matter.

Jason Somero motions not to issue a cease and desist or stop work order for 445 Turnpike Road based on Minimal Impact Home Occupation, Section M of the New Ipswich Zoning Ordinances. Lou Alvarez seconds. The motion passes unanimously.

#### **6:45 Timbertop and MUTCD**

Present: Neal Beauregard

The end of Timbertop drainage was discussed. The board is waiting to hear back about timeframe.

Mr. Beauregard is looking to gain knowledge on the policies, procedures for the DPW pertaining to winter operations. The protocols and how this is being managed. As well as what the Manual Uniform Traffic Control Device manual (MUTCD) ten year plan looks like. The MUTCD is put out by the Federals for the Public Works Department. Is there a plan implemented to start addressing that and if the Town is budgeting for that? The manual is for policies and procedures like street signage and markings. Neal will e-mail the manual to Town Administrator who will forward it to the DPW Director.

#### **6:50 Village Mobil – Non-conforming pre-existing sign**

NH Signs has resubmitted information because NH Signs has not heard back on the approval of a building permit. Shawn spoke to the building inspector to learn why a building permit was not yet issued. The building inspector stated it had just fell through the cracks. Lou discussed the history of this matter. It was decided to re-affirm the building inspector that the building permit application can be approved and to issue a building permit for the change in use of this sign.

#### **7:30 Final Comments before non-public**

It was discussed that the FAC has budget suggestions. The BOS will meet on December 11<sup>th</sup> & 18<sup>th</sup> and December 12<sup>th</sup> & 19<sup>th</sup> to go over these suggestions.

Neal Beauregard asks if the DPW has been able to employ plow drivers for the winter. The answer is yes, there is a driver for each truck. Each driver in a Town vehicle is an employee of the Town. The Town does have a snow emergency plan in action per the Director of the DPW.

#### **7:09 Non-Public Session RSA 91-A 3:2 (c):**

Shawn made a motion to go into a non-public session under RSA 91-A 3:2 (c) Personnel. Lou seconded the motion and it passed unanimously. At 8:11, Shawn made a motion to return to public session. Jason seconded the motion and it passed unanimously. Shawn made a motion to seal the minutes. Jason seconded the motion and it passed unanimously.

**8:12 Non-Public Session RSA 91-A 3:2 (l):**

Shawn made a motion to go into a non-public session under RSA 91-A 3:2 (l). Jason seconded the motion and it passed unanimously. At 8:42, Shawn made a motion to return to public session. Jason seconded the motion and it passed unanimously.

**8:43 Non-Public Session RSA 91-A 3:2 (l):**

Shawn made a motion to go into a non-public session under RSA 91-A 3:2 (l). Shawn seconded the motion and it passed unanimously. At 9:01, Jason made a motion to return to public session. Jason seconded the motion and it passed unanimously. Shawn made a motion to seal the minutes. Lou seconded the motion and it passed unanimously.

**9:03 Non-Public Session RSA 91-A 3:2 (b):**

Jason made a motion to go into a non-public session under RSA 91-A 3:2 (b). Shawn seconded the motion and it passed unanimously. At 9:18, Shawn made a motion to return to public session. Lou seconded the motion and it passed unanimously.

**9:19 Non-Public Session RSA 91-A 3:2 (a):**

Jason made a motion to go into a non-public session under RSA 91-A 3:2 (a). Shawn seconded the motion and it passed unanimously. At 9:33, Jason made a motion to return to public session. Lou seconded the motion and it passed unanimously. Shawn made a motion to seal the minutes. Jason seconded the motion and it passed unanimously.

**9:34 Round Table Discussion:**

Board discusses official oath of offices and member's terms. This was questioned in a recent Zoning Board's public hearing. The Board of Selectmen spoke of the importance of knowing and keeping track of all board, committee, and commission members' terms and when they expire or need reappointment.

At 9:44, Jason Somero motions to adjourn the meeting. Lou Alvarez seconds. The motion passes unanimously.

Respectfully Submitted,

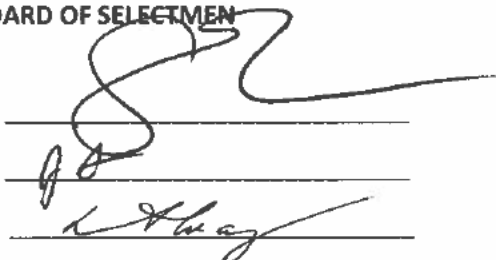
Jennifer Worth, Administrator

**Minutes approved by BOARD OF SELECTMEN**

Shawn Talbot, Chairman: \_\_\_\_\_

Jason Somero: \_\_\_\_\_

Lou Alvarez: \_\_\_\_\_



N49°

LOCATION OF DAM GAUGE  
AT THE TIME OF THIS SURVEY  
MEAN HIGH WATER=3.93'  
(SEE NOTE 12)

CURRENT SPILLWAY

PART OF  
MAP 3 LOT 68

THIS LAND IS FILL  
PER REFERENCE PLAN #1.  
(SEE NOTE 11)

WATER PRATT POND ROAD  
(SEE NOTES 9 & 10)  
(GRAVEL - PRIVATE)

N12° 06' 00" W  
77.09'

Net 9

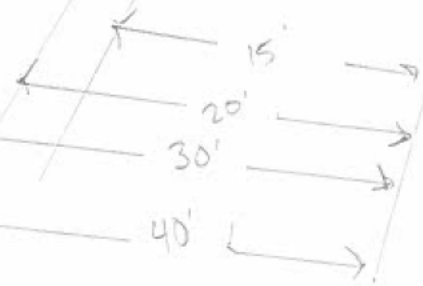
48" RCP  
PIPE

56.76'  
S59° 38' 15" W

original Proposed (Rejected)  
EASEMENT

#5 RBS FLUSH  
WITH ALUMINUM  
CAP  
EL. 4.81'

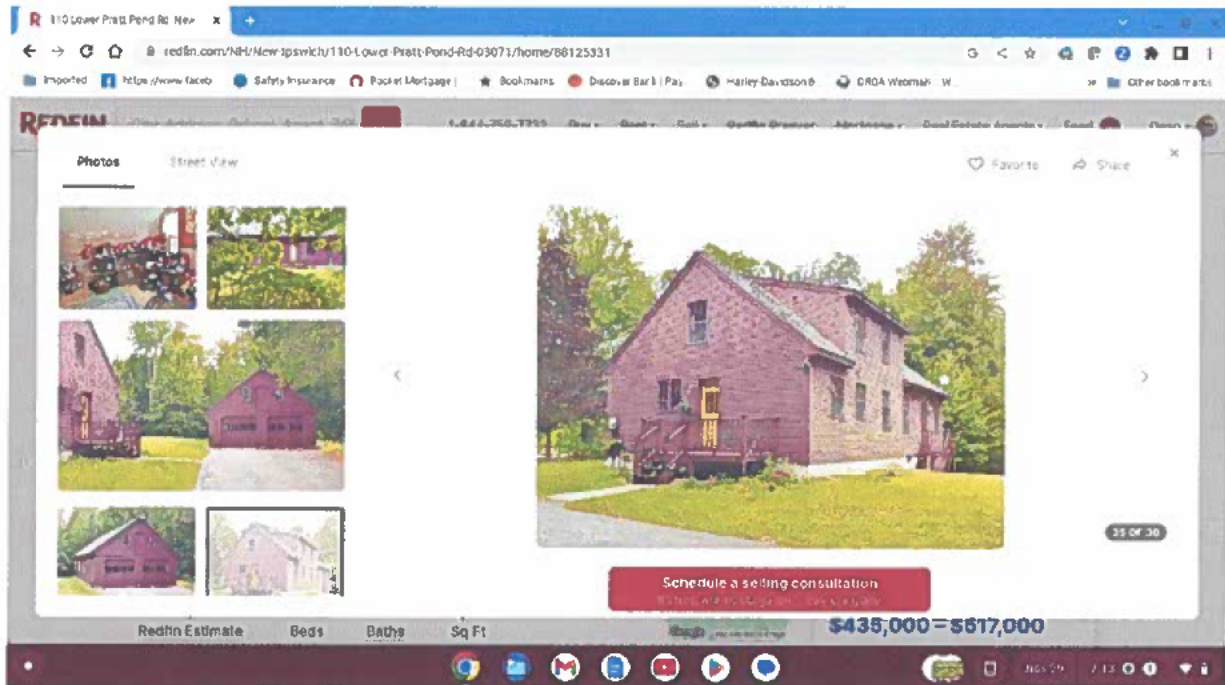
Driveway



WAS 109.54'  
NOW 166.30'



From the 2019 listing



"Groundwork" June 2002.



Lumber staged at entrance 2002



Driveway used 2019/2020



Driveway use 2020/2021





Summer 2022



From: <[REDACTED]>  
Date: Fri, Dec 1, 2023 at 8:12 AM  
Subject: PPA: Urgent PPA Dam Update  
To:  
Cc: <[REDACTED]>, Bkivela <[REDACTED]>,  
<[REDACTED]>, Ron & Sandy Heim <[REDACTED]>, Cystal  
Conroy <[REDACTED]>, Tom Moran <[REDACTED]>

Hello Pratt Ponders,

As you are aware, Dean Pacheco at 110 Lower Pratt Pond has created a new, secondary driveway which passes over the Pratt Pond Dam.

The PPA Board unsuccessfully attempted to work with Mr. Pacheco to protect the dam, and PPA's interests. The Pratt Pond Association received a summons in a civil action from the State of New Hampshire, Judicial Branch, Superior Court. The Pratt Pond Association, Dwayne White, and Joseph Woodworth were served.

The suit includes a no trespass injunction and indicates that Mr. Pacheco has a right-of-way over the dam to Lower Pratt Pond Road. If successful, Mr. Pacheco would have unlimited ability to modify the back side of the dam – particularly in the area of the new driveway but possibly not limited. The width of the driveway may be up to 25 feet; which corresponds to more than half of the embankment from the spillway to the Pratt Pond dam southern boundary.

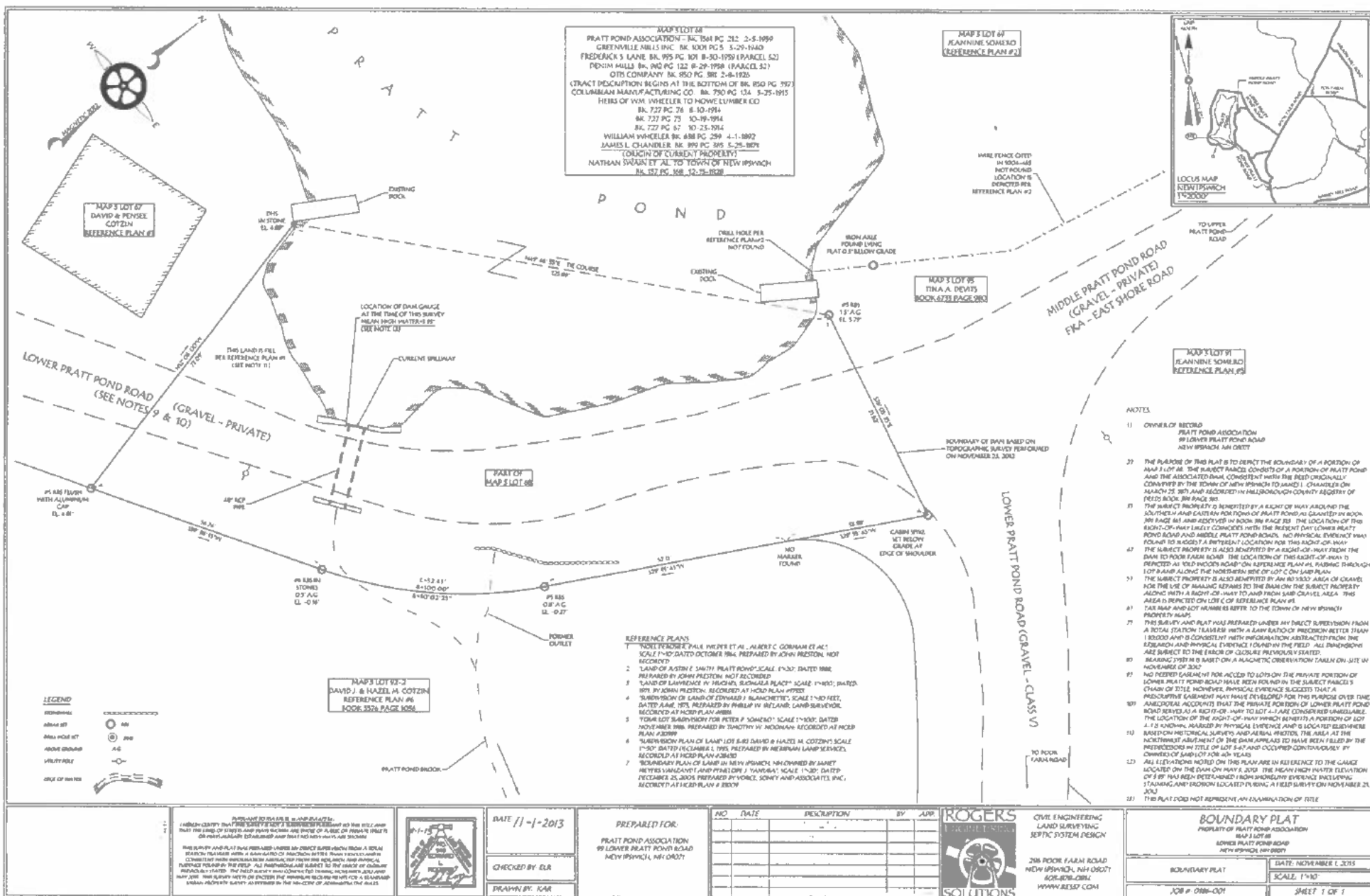
For many reasons, PPA has not supported the new driveway with major concerns such as:

- erosion to the dam caused by the new driveway (continued excavation, snow plowing, etc.);
- PPA's inability to perform maintenance due to a no trespass injunction;
- the proximity of the driveway to the wetlands (currently the driveway is only 30 feet from the Pratt Pond Brook); and
- the loss of PPA control for 50% of the south-east dam embankment.

Mr. Pacheco has already excavated material on the dam property, replaced grass and soil that previously absorbed water, added hardpack for his driveway, and we are already seeing erosion and puddling as a result of the changes he has made. Erosion on the roadway and at the dam will be significantly worse when plowing and dealing with the snow as a result of this new driveway. Mr. Pacheco has no liability for erosion, has demonstrated no concerns for the dam or the pond, and this new driveway poses an unacceptable risk for the Pratt Pond dam (and for all of us).

As we are brought to the courts, we need to make sure the court fully understands the situation before making their decision. The PPA Board feels that PPA interests are best served with attorney representation.

Pratt Pond Association





Front:



Rear:





Driveway damage:

Driveway before:



Now:





3-66  
BRUCE &  
GERTRUDE WILDER  
12 RIVER RD. BOX 15  
WINCHENDON MA 01275  
VOL. 1612 PG. 84 7/7/62

INSTANCE  
TTE  
ST  
03048  
2/16/59

PRATT  
POND

DAM &  
48" RCP  
(SEE NOTE #4)

WOODEN  
BRIDGE

NET 9

3-92-2

2.562 Ac.  
111,610 Sq.Ft.

3-92-3

2.000 Ac.  
87,120 Sq.Ft.

58.79'  
N81°16'59"W  
62.25'  
N84°16'05"W  
10.09'  
N79°15'39"W  
24.79'  
N86°53'06"W  
27.77'  
N83°25'02"W  
18.53'  
N73°55'22"W  
18.89'  
68.77'  
N83°31'05"W  
78.86'  
91.73'  
N83°23'21"W  
D.H.(s)  
typ.  
N83°

4-1

H RIDING INC.  
RIDGE, NH  
OL.1466 PG.253

Appraised