

BOARD OF SELECTMEN MEETING  
MARCH 5, 2020  
MINUTES

PRESENT: David Lage, Chairman, John Veaser, Bert Hamill  
Town Administrator Scott Butcher  
Cemetery Trustee Andrew Morrill  
Town Counsel Bart Mayer  
NH Asst. Attorney General Heather Neville – by conference call  
James Gallagher, NH DES

At 3:30 PM Chairman Lage called the meeting to order.

Smithville Cemetery Discussion: Jim Gallagher from NH DES asked if the Selectmen were able to develop an alternative proposal regarding the maintenance of the toe drain that resides at the base of the Souhegan Dam #35 located adjacent to the Smithville Cemetery. Chairman Lage explained that a few methods had been explored: directional boring; pipe-bursting and replacement; and full excavation of the toe drain area using trench boxes. The latter seemed to be the most practical and cost effective method. It addresses the concern about the amount of area that would have to be excavated and eliminates or reduces the amount of impact to gravesites near the base of the dam. Given that the toe drain is in the 12ft. to 14ft. range below grade, other more intrusive methods would require extensive excavation on both the dam and cemetery sides of the drain pipe being replaced. While the current drain still seems to be functioning, there is concern about its condition and the condition of the filter material that surrounds it given its 50+ year age.

Chairman Lage provided Mr. Gallagher with a formal proposal from Hutter Construction on the cost and what would be involved to implement the trench box excavation solution. Mr. Gallagher liked the proposal and wanted permission to contact Hutter Construction directly and possibly arrange for joint meeting at the site with his engineers to discuss the details.

The remaining discussion was about resolving the issues with the land owned by the State of NH located between Binney Hill Road and the cemetery property and identifying a staging area for equipment and material when the toe drain replacement project occurs.

Old Peterborough Road Discussion: The Selectmen discussed the status of Old Peterborough Road with Town Counsel and whether to restore it to Class IV status.

Old Peterborough Road had been discontinued by town vote in 1844 along with Old Rindge Road which it intersects with. In 1985, as a result of the Caouette v. Town of New Ipswich suit, Old Rindge road was re-established as a Class IV road, but not Old Peterborough Road. The other road that Old Peterborough Road connects to, Chapman Road, had been discontinued as a public road in 2002 and became a private road maintained by the residents living on it.

After reviewing the documentation the Town Administrator had sent him, Town Counsel concluded that Old Peterborough Road has been discontinued, and as such, no further building permits should be issued

for properties along the discontinued road. For building permits to be issued in the future, the status of Old Peterborough Road would have to meet the requirements outlined in RSA 674:41 I & II, or be re-established as a Class VI road under RSA 231:22 and would require an exception/variance by the Zoning Board of Adjustment. In the case of the building permit issued to Jonathan Broc, Town Counsel stated that honoring that permit is fine, but the town is not obligated to repeat the mistake by issuing additional permits along what used to be Old Peterborough Road without going through the process outlined above.

At 4:50 PM, Selectmen Veeseer made a motion adjourn the meeting. Selectman Hamill seconded the motion and it passed unanimously.

Respectfully submitted,  
Scott Butcher, Town Administrator

Minutes approved by:  
BOARD OF SELECTMEN

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David S. Lage, Chairman

  
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John Veeseer

  
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Bert Hamill