

**Wolfeboro Board of Selectmen  
Public Meeting Minutes-Unapproved  
September 27, 2017**

**Members present:** Chairman Luke Freudenberg, Brad Harriman, Dave Bowers, Dave Senecal, and Town Attorney Greg Silverman (Linda Murray present but had reclused herself from the matter and sat in the audience, and did not participate in the proceedings)

**Staff present:** Town Manager David W. Owen, Public Works Director Dave Ford and Recording Secretary Michele Chamberlain

Chairman Freudenberg opened the meeting at 6:30 PM.

**Special Public Hearing-Building Permit on Class VI Road**

Mr. Freudenberg stated we have a public hearing tonight to consider the application from Michael A. Simmons for a building permit on the Class VI portion of Stoneham Road. Mr. Freudenberg asked the public to tailor their questions and discussions to this particular Class VI permit application. Mr. Freudenberg asked Mr. Simmon's Representative, Jim Rines to begin the discussion.

Jim Rines, Agent of White Mountain Survey & Engineering, Inc, addressed the Board. He stated he is here tonight representing Michael A. Simmons on a building permit application for a single family home on the Class VI portion of Stoneham Road in accordance to the Board of Selectmen's Class VI Road Policy. The property is depicted on Tax Map 104, Lot 11 on the Wolfeboro Tax Map and it is approximately 28 acres in size. Its only frontage is on the Class VI portion of Stoneham Road. This is a new application ~~but~~for a building permit for the same property was approved in July 2016, which is the subject of some litigation. However, if this application is approved it will render the approval of the previous application to be moot. The abutters have been notified and we have received positive recommendations from the Public Works Department, Fire Department and the Planning Board. The Planning Board made recommendations to the Board of Selectmen and issued a no-objection. We have designed this upgrade to maintain a twelve foot wide travel width for the entire length of the road. The maximum slope is approximately 5.6% and the least slope is approximately .05% with much of this road being a 3.0% grade. The side slopes will not exceed two to one. The improvements are all contained within the existing road right of way and we have added drainage cross culvert and a drop manhole. If this is approved Mr. Simmons will grant a drainage easement to the Town of Wolfeboro. Mr. Rines stated based on the prior approval that the Board granted Mr. Simmons he recorded a limits of liability and responsibility at the Carroll County Register of Deeds. It is recorded in Book 3286 on page 513 which was executed by this Board and Michael

Simmons. Mr. Rines stated he could give the Board the approval forms if they wanted them.

Mr. Owen stated they are in the Selectmen's packets.

Mr. Rines showed some pictures he had taken of the site fifteen minutes before the meeting. He stated there is enough room on the road to turn a vehicle around and it is not a heavily wooded area. He stated with the modest improvements we are suggesting this will easily satisfy the criteria that the Board requires. As part of the Class VI Road Policy it is required that items A through G be met. Paragraph A Cutting and Clearing states: Cutting and clearing shall be limited to the existing travel way. The Board of Selectmen may approve cutting and clearing outside the travel way, but still within the Town right-of-way, if reasonably required in connection with grading and existing drainage. Mr. Rines stated this is a scenic road and if approved again a public hearing with the Planning Board will be required. We have identified there are 16 trees that have a fifteen inch circumference or larger and that are four feet above the ground. These trees will have to be removed. Fifteen of the trees are 5.8 to 6.4 inches in diameter or smaller and the other tree is 8.6 inches in diameter. Fourteen of the trees are on the south side of the road with only two on the north side. There will be some limbing of the trees that will be needed to create a safe and suitable access within the twelve foot wide section of the road and that is why we will be going to the Planning Board for the scenic roads. Additionally, there is one tree within the limits of Michael Simmon's road frontage that will be removed and the tree is a White Pine that is 8.9 inches in diameter. Also, sixteen feet of stone wall will be removed to create a suitable driveway and that activity is exempt from the scenic roads because it is along his frontage. We feel the criteria have been met as a result of the changes. Paragraph B Grading states: Grading shall be confined to the existing travel way as presently located within the Town right-of-way. It is intended that there will be no change in the horizontal and/or vertical alignment of the existing traveled way. The width of the traveled way shall not exceed twelve feet. Mr. Rines stated the travel way will be twelve feet and the existing travel way will generally be the same with minor changes. All of the side slopes will be 2 to 1 which is within the standards. Paragraph C Drainage states: All drainage work shall direct water in the existing natural pattern and existing watercourses. Drainage shall not be directed into any new watercourses onto abutting properties. Mr. Rines stated the drainage pattern has been maintained ~~except~~ with the exception of a section that will be drained onto Mr. Simmon's property. Mr. Simmon's will grant an easement to the Town if the permit is approved. Paragraph D Gates and Bars states: There shall be no removal of any gates or bars which may be permitted by law when a highway is discontinued subject to gates and bars. No gate or bar shall be locked at any time. Mr. Rines stated this portion of the road has no gates or bars that would need to be removed and there is no desire to place gates or bars on this road by Mr. Simmons. Paragraph E Stone Walls states: Any damage to stone walls located within the Town right-of-way during the course of construction shall be repaired and restored. Mr. Rines stated there will be some damage to the stone wall but it will be repaired as required. Also, a note was placed on the stone wall asking for precautionary measures to be taken since it is a historic stone wall so the contractor will be aware of the concern. Paragraph F Waivers states: The Board of Selectmen may

waive any or all of these requirements when it is the Board's judgment that the requirements are unnecessary based on the following criteria of A through E above. Mr. Rines stated we are not seeking any waivers, just approval of the design. Paragraph G states: A bond request. Mr. Rines stated we are hoping that since this is an extremely gentle slope and is an improvement that the Board waives that requirement. Mr. Rines stated the slope of the road has less than a 6% grade maximum and much of the road is less than 3% slope. We have had a Certified Wetland Scientist investigate the entire length of this section of Stoneham Road and no wetlands were discovered.

Mr. Senecal asked where Mr. Rines turned his car around on the plans.

Mr. Rines stated here and pointed to the spot on an enlarged map displayed.

Mr. Senecal ~~stated-asked is~~ that ~~is~~ where the driveway is going to be.

Mr. Rines stated it is just slightly beyond where the driveway will go.

Chairman Freudenberg opened the public hearing.

#### Public Input

~~Limited to 3 Minutes per resident, not to exceed 15 minutes in total~~

Jay Culvert, Abutter, addressed the Board. He questioned if you go left then will it be Stoddard Road and if you go right then will it be Stoneham Road. He asked where the property ended and if the driveway that was being proposed was at the top end of the property.

Commented [GLS1]: I don't recall Luke stating this. Can we delete?

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Stephan Nix, Attorney for Kevin and Pauline Green, addressed the Board. He stated Tom Selling, a professional engineer is here with me tonight representing the Greens. We oppose the approval by the Selectmen of a permit to Michael Simmons to construct a dwelling on the Class VI portion of Stoneham Road. Mr. Selling completed a third party review of the design which is represented in your packets in Exhibit A. The Class VI Road Policy that was re-adopted by the Board of Selectmen in September of 2017 is included as Exhibit B. Mr. Nix stated the only item changed in the Class VI Road Policy was the adding of a public hearing. The Greens are owners of Wolfeboro Tax Lot 89-1, 603, Stoneham Road. The Green property directly abuts the portion of Stoneham Road that is the subject of this appeal. In November of 2014 the Simmons purchased Wolfeboro Tax Lot 104-11. The deed to the Simmons described three tracts of land in one deed, Tax Lots 104-9, 10 & 11. Lots 9 and 10 have substantial road frontage on Stoddard Road. Lot 11 abuts the other two lots and has frontage on Stoneham Road. Lot 11 was transferred to only one of their names so that the lots are no longer in the same title which cut them off from prior access to Stoddard Road. Mr. Nix stated the Policy Evaluation Criteria in Paragraph 13 reads: Conditions of the road – does the road have

adequate width, drainage, and grade to handle increased development? Mr. Nix stated it is a two rod road that is a 33 foot wide right of way that cuts into a steep bank on the north side (right) and some spots are almost 10 feet tall. The south side (left) is steep as well. The issue isn't how steep the road is going down but rather how it is cut into the bank. He stated because the right-of-way is so narrow snow storage and plowing will be a big issue. He stated currently there is not enough room for a Town snow plow truck to turn around so the truck is backing into the Green's driveway. The Greens have had ongoing communication with Mr. Ford to give the Town permission to turn around in their driveway. There is no place to put the snow unless it is put on private property. Mr. Selling will talk about how the road does not have adequate width to support side slope grading without impacting the stone walls or proper sized drainage. He will show the overall road width is insufficient in supporting the proposed design. Paragraph 14 states: Conditions of connecting roads – are the roads leading to the Class VI or private road adequate to handle increased traffic? Jenness Farm Road is approximately 2200 feet away. Jenness Farm Road is only a 33 foot wide road. The Town of Wolfeboro Road Construction Regulations limits a cul-de-sac to 1800 feet. This proposal will add another 850 feet to the dead end road. The remainder of Stoneham Road is very steep and rocky and only passable in a four wheel drive vehicle. The additional 850 feet of improved road will increase the length to 3050 feet making the road longer than allowed. Paragraph 15 states: Effects on municipal services – will the contemplated development result in a need for increased police, fire/rescue, water, sewer and electric services? Mr. Nix stated the electrical service is supposed to be underground which Mr. Selling will discuss. One of the issues relates back to snowplowing. The Town will end up with an increased budget. The plan will require increased expense to the Town in spending additional time jockeying to avoid plowing in the end of the Class VI portion of the road and having to back down Stoneham Road to Jenness Farm Road. Paragraph 16 states: Is the issuance of the permit likely to result in an "occasion" to lay out the road as a Class V road? Mr. Nix stated it is a hill side lot with potential views and it is cheaper to come up this way instead of coming in from the other two lots. Once the road is upgraded for the current development, there is a high probability that additional homes will be constructed on this road which will create additional expense and maintenance costs. Currently the road is a gravel road that is heavily wooded but the proposed plan will create the impression that this Town road keeps on going. People will continue down the road and when they reach the Simmon's driveway they will hit the steep road. Mr. Nix asked if the Town would accept the liability. Mr. Nix stated Mr. Simmons signed a waiver of liability so he will not sue the Town but questioned if a third party would sue the Town. Mr. Nix asked that the Selectmen consider whether the perception by the public that this road is an open town road lead to a petition to layout the highway and for the Town to accept maintenance. Paragraph 17 states: How will the proposed development affect neighboring properties and how well does the proposed development "fit" in to the general growth/development patterns in the Town? Mr. Nix stated this is a very rural area of Town with only a few homes. The recommendation of the Master Plan states that this road is designated as a scenic road and its visual qualities should be preserved. Mr. Nix stated the number of trees that are going to be damaged or destroyed is significantly more than what is being proposed. Paragraph 16 states: Will the issuance of said building permit tend to distort the Town's street map or Master Plan? Mr. Nix stated the

Master Plan will be distorted by this proposal. Paragraph 19 states: Will the issuance of said building permit place a new financial burden on the Town with regards to the maintenance and repair of required infrastructure (i.e. electric, drainage, roads, etc)? Mr. Nix stated this first impression where the Selectmen are allowing the upgrade of a Class VI road will invite the public to use it and the question is whether the Selectmen have opened the Town to liability by approving the private upgrade of the public road. The applicant has not provided any type of maintenance plan or any evidence indicating that they will provide insurance coverage. Mr. Nix stated the Policy Construction Standards will be reviewed by Mr. Selling except for the issues of Gates or Bars. There is currently litigation in Superior Court regarding the Green's right to erect gates and bars. Mr. Nix stated the Selectmen should consider the liability and install a gate like they did on Trask Mountain Road to protect the Town from potential liability from innocent travelers being deceived into believing that the Class V road continues after the pavement ends. Signs will not be enough. Mr. Nix stated the Board of Selectmen may waive any or all of these requirements when it is the Board's judgment that the requirements are unnecessary based on the following criteria. Mr. Nix stated one of these criteria is not that the land owner can build a house or should have a right to build a house on their lot. This is not one of the criteria. These lots have been wood lots for over 200 years and there is no constitutional right to build a house on a wood lot. The criteria states the existing conditions exceed the maximum standards listed in A- E. Mr. Selling will show that none of the criteria have been met and every one of the criteria's has been exceeded. These improvements are designed specifically for the needs of the owner.

Mr. Selling, T.R. Selling Engineer, addressed the Board. Mr. Selling stated it seems like your policy is trying to improve a road and make it passable so in this case you can get to a single family home. Mr. Selling stated the limits of work line depicted on the site plan represent the theoretical minimum extent of the proposed work. Due to practical and the numerous construction related issues that inevitably occur during real world field construction of a 12 foot wide gravel roadway in a rural area, the general contractor will require a wider construction impact foot print. Mr. Selling believes there will be a wider impact than the seventeen trees identified by White Mountain Survey & Engineering Inc. He felt the plan shows 39 scenic trees being impacted which represents 45 % of scenic trees being impacted. The plan states there is to be no known change to horizontal or vertical lineament and the proposed plan will change the vertical line by over 2 feet and the horizontal line would be moved. The existing drainage report is inadequate for the proposed roadway design project. He indicated that the ditch is inadequate for the proposed flow rates and the runoff will overtop the roadway causing erosion and sedimentation of the nearby properties, Green and Foley. It will be unlikely that a contractor could grade and clear a road without damaging the existing stone wall on the Green property. Mr. Selling stated a high pile of rocks has not been addressed in the proposed plan which will create liability issues. In summary, he stated if you are going to make this road a passable way for the public then it seems reasonable to look at the Town Ordinances such as the Storm Water Management Plan.

Mr. Owen questioned the additional number of trees that will be affected.

Mr. Selling explained how an Arborist uses trunk diameter to determine if a tree will be impacted during roadway construction. He stated using this ratio he found 22 more trees that would be affected.

Mr. Owen questioned where the pile of rocks was located and if it was on private property or on the Town Class VI road.

Mr. Selling stated it is on the Town Class VI road and it is not addressed on any of the plans. He felt it would be a safety issue.

Dave Bowers asked to address the Town Attorney, Mr. Silverman. He stated the main question is that the Master Plan states that wooded areas do not allow construction. He asked Mr. Silverman if the Board of Selectmen approves the construction will it set a precedent allowing anyone else to build a house where it is not permitted. He asked what we are doing here.

Mr. Owen stated is that something the Board would have to discuss with Town Counsel.

Mr. Bowers stated is this opening up a can of worms and felt this was more important than the uprooting of trees.

Steven ~~HinesHyde~~, Attorney for Michael Simmons, addressed the Board. He stated in regards to Mr. Selling's presentation he talked about an industry standard. He stated we need to figure out what industry we are talking about because the particular one submitted to you tonight is from Missouri, a completely different geographical area that has different trees and different soils. The other two pieces of literature were from Oregon and the San Francisco Bay area. He felt the literature had nothing to do with the geographical area of the part of the country that we are in so it should be discounted. He stated Attorney Nix talked about snow storage and not enough room to turn around. Mr. ~~HinesHyde~~ stated the Selectmen had already approved this plan before and it was understood that Mr. Simmons would take care of plowing so the Town trucks would not have to travel any further than they do now. There will not be an increase to the budget unless the Greens decide that since the Selectmen permitted the single building permit residence on Mr. Simmons property then they will withdraw the agreement they have with the Town. Mr. ~~HinesHyde~~ stated if that is the case then the Town trucks can certainly turn around in Mr. Simmons' driveway. Mr. ~~HinesHyde~~ stated we are not talking about creating a road. The road already exists and it has been designated as a scenic road. Mr. Selling stated the road is 12 feet wide and then stated in the beginning of his report that it was two rod wide which is 33 feet wide. The road is either 12 feet or 33 feet because it cannot be both. In reality the road is 33 feet wide. Another Red Herring is that the Simmons bought three separate pieces of land and that is true they did buy three pieces of land. Two of the lots have frontage on Stoneham Road and Stoddard Road and Lot 11 has frontage only on Stoneham Road. Mr. ~~HinesHyde~~ stated that Mr. Selling insinuates that Mr. Simmons is required to cross over the other two lots to get to Lot 11 since he owns the other lots which are not supported by the law (RSA 671). Mr. ~~HinesHyde~~ stated these lots are not zoned as wood lots. Mr. ~~HinesHyde~~ stated Mr.

Selling is not certified to discuss drainage or is not a certified Arborist but Mr. Rines is certified in this area. Also, Mr. Ford has already reviewed and approved the plan. Mr. ~~HinesHyde~~ stated the underlining element is that there is no concrete evidence just an opinion of a person who is an expert witness and paid to say what he has told you tonight. Lastly, Mr. Selling indicated there is a big pile of stones that is a retaining wall but he stated they are not on the plan. Mr. ~~HinesHyde~~ stated they are just a pile of rocks and they don't have any impact on the application. This is not a conspiracy to hide the existence of a retaining wall from the Board of Selectmen.

Claude Roessiger, resident of Wolfeboro, addressed the Board. He stated the issue isn't about engineering but the issue is about are we opening the gates for all Class VI roads if we do this. Mr. Roessiger agreed with Mr. Bowers. He stated when the Simmons purchased the lots they knew the status of those lots. A lot that does not have access from a Class V road or otherwise traveled road is not unusual in the Town of Wolfeboro.

Suzanne Ryan, resident of Stoneham Road, addressed the Board. She stated the difference between this road and other Class VI roads is there is access off of another Class V road which is Stoddard Road. The Simmons made a decision to come off of the end of Stoneham Road rather than come off of Stoddard Road. Ms. Ryan stated she does not think there would be some much disapproval if the Simmons would come up the other way. We are not saying to make an easement on the wife's land or a right of way but to come up off of Stoddard Road. They have another alternative and they have chosen not to use it and they have put the Town in a bad predicament. Ms. Ryan stated she came to the Board on August 3, 2017 and September 7, 2016 and a lot of these questions were raised. She is glad the Board followed up with the public hearing. Ms. Ryan stated at one of those meetings she asked how the road was created and she cannot find the answer to that question. She stated at one of the meetings it was stated that the road was a range road. She asked if the Town had a title to the road or a deed and how the road is labeled. We do not have the answers to these questions. She stated the Board of Selectmen cannot make a condition of approval that this road will never be reclassified from a Class VI road to a Class V road. If this is approved then you have left the neighborhood wondering what is next and the Town liable. It denies the Master Plan to open up a Class VI road for development. Also, once the Simmons brings power to their corner lot then power can be brought further down which would open up Pandora's Box. Ms. Ryan asked who would be paying for the maintenance of the underground wiring and electricity. She stated it was said by the Planning Department that there has been growth in the area. Ms. Ryan stated two houses have been built on Stoneham Road and two houses have been demolished so there has been zero growth. She stated there is a way to deny the plan without taking sides and that would simply be to deny it and send it to the ZBA under special exception. She stated if the Board of Selectmen approved this proposal she requests that there be no street lights, dust control, hours of construction need to be set, and hours of operation and that a road bond should be set up. The Simmons will not be able to make any changes to the road without notifying the Town. She stated her last question is if you accept this White Mountain plan are you also accepting to reestablish the road boundaries. This is a Historic District and in the Historic District there must be a 250 foot center back line of the road off of a dwelling.

Ms. Ryan stated Jonathan Hopewell, resident of Jenness Farm Road, could not attend the meeting but is in support of the Greens.

Mr. Bowers stated the Simmons bought the property and knew what they were buying and they do not have permission to change things. He stated this is super complicated and opens up a can of worms. This will set a precedent.

Mr. ~~Hines~~Hyde stated he understands the Simmons knew what they were purchasing when they purchased the land but they also knew there was a Class VI Road Policy.

Mr. Bowers stated the Simmons have not lost anything.

Mr. Senecal stated all the information that we have received tonight from Attorney Nix is talking about development. Ms. Ryan talked about development. Mr. Senecal stated we are not here tonight to talk about development. We are here tonight to talk about a single family home permit period because that is all a Class VI road entitles us.

Mr. ~~Hines~~Hyde stated absolutely.

Mr. Senecal stated it bothered him to hear the words development because they cannot develop on a Class VI road. Mr. Senecal stated that Ms. Ryan stated if the Town wants to bring the road up to a Class V road and the Town pays to have it done then they can subdivide but they can't. Mr. Senecal stated there is no development here. He stated the hearing is for a permit, a permit for a single family home and that is all. We are dealing with tonight a permit for one house on a Class VI road.

Mr. ~~Hines~~Hyde agreed.

Mr. Senecal stated that is how he is going to make his decision and he stated a development cannot happen. This is strictly a single family home on a lot on a Class VI road.

Mr. ~~Hines~~Hyde stated that is correct.

Mr. Senecal stated that is all we are dealing with in this request.

Mr. ~~Hines~~Hyde stated that is correct and asked that the Town follow the Class VI Road Policy.

Mr. Senecal stated we have policies and we are following them.

Mr. Nix stated the Greens completely understand that this is a plan to upgrade a Class VI road for a single family home. The definition of subdivision and the law does not use the word development so he apologizes if Mr. Senecal has misunderstood the term. The development before the Board tonight is the upgrade of the Class VI road. It is not for subdivision purposes and it is very clear in the documents that it is not for that purpose.



We outlined very clearly that the criteria in the road policy have not been met. He stated Missouri is very similar to us because they have hills, deciduous trees, pine trees and four seasons. It is not some third world country so using documents from other states is an acceptable way to show it. Mr. Nix asked to use common sense when thinking about the plan with regards to the trees. He stated the Counsel for the Greens tonight have asked the Board of Selectmen to have the Town snow plow this road and turn around in the proposed driveway. It was offered as a solution for the turnaround problem. There was a misunderstanding in regards to what a 12 foot travel way compared to a 33 foot right-of-way. The 33 foot is the legal right of way that the Town has to work with. They are two distinct terms and there was no misunderstanding on my part. We believe the Greens have the right to install gates and bars and we will prevail in the litigation. Mr. Selling is a professional engineer that is licensed in the State of New Hampshire and he is a designer of drainage. Also, Mr. Rines has been a paid witness in many cases. We are here to discuss the Class VI Road Policy.

Pamela McKitredge, resident of 515 Stoneham Road, addressed the Board. She stated if you can say to the Simmons we will ignore our Master Plan and go ahead and cut into a Class VI road even though we have a Class V option, then how can you ever defend any denial in the future. It is crossing a line that cannot be uncrossed. She urged the Board of Selectmen to not allow building on Stoneham Road, a scenic dead end Class VI road. She stated there is no need to set such a dangerous precedent. We count on our Town Boards to do what is right for the Town so please do the right thing.

Mr. Rines stated Mr. Roessiger stated are we opening the gates by listening to Selectmen Bowers. He stated the gates are already open with the Class VI Road Policy and if the intent was to never allow people to build on a Class VI road then why have the policy. The Simmons knew what they were buying but they did know that there was a Class VI Road Policy that allows you to build on them and the Town and the Board of Selectmen have approved them before. It has been said by Suzanne Ryan that they have other access. Mr. Simmons owns the lot that has only frontage on Stoneham Road and his wife owns other lots on Stoddard Road but this lot which could be conveyed to me or anyone else that has road frontage on Stoneham Road that is why they need the relief. Ms. Ryan questioned if this was even a road and Mr. Rines stated the road was laid out in 1804. Ms. Ryan was concerned if this gets approved that Stoneham Road could automatically be considered a Class V road. This is going to be a 12 foot wide driveway that is improved within the limits of the Town Class VI Road. It does not meet road standards of the Town and no one can develop as Mr. Senecal has already stated. Snow can be removed with snow blowers and the Simmons will do maintenance just as we all would do to our driveways. The electrical lines can be run directly on the center lines since there are no trees. He stated the liability is the same so the same people would be sued. There has been discussion of significant loss of trees but it is ironic that the people that have instigated the lawsuit have no trees on their side of the scenic road. Trees will be cut but all trees have an echo system that will help them survive the construction. The Storm Water Maintenance Plan does not apply to single family residential homes.

Michael Simmons addressed the Board. He stated we want to be part of your community and retire in this beautiful place that we all enjoy. We want to be close to family and be part of the community.

Mr. Calvert stated two things that you should consider. Are you allowed to have constrictions on property when these kinds of applications are made? Can they build a driveway onto a Class V road? He suggested allowing them to build a driveway on the right hand side rather than the left hand side. A lot of problems with trees could be eliminated with this solution. We are newcomers ourselves and perfectly happy to have the Simmons or others as part of the community. We welcome them but they are asking to change the character of the neighborhood and that is where the Board of Selectmen needs to make a decision.

Ann Calvert, President of the North Wolfeboro Area Association, addressed the Board. She stated one of our missions is to be a neighborhood and we would love to have you as our new neighbors. Our other responsibility of our mission is to maintain, protect and preserve the rural and scenic nature of our district so with every exception that is allowed to be built on a Class VI road it is a precedent for the next time. This makes it difficult when there are issues like this to welcome our new neighbors. Mrs. Calvert stated when Mr. Calvert and I bought our property we were bounded by two Class VI roads and we were told that they would stay rural and scenic.

Mal Blodgett, friend of the Simmons, addressed the Board. He stated there is no exception that needs to be made because the letter of the law is being followed.

Chairman Freudenberg closed the public hearing.

Mr. Senecal stated he was not ready to make a motion to approve or deny this request. He stated he would like the Board to talk with Town Counsel and then make a decision in writing.

Brad Harriman agreed Mr. Senecal. He stated a lot of information was given tonight and there are some misconceptions that need to be ironed out.

Dave Bowers agreed that a decision should be made later after talking with Town Counsel.

Chairman Freudenberg agreed.

**It was moved by Dave Senecal and seconded by Dave Bowers to adjourn at 8:10 PM. Members voted and being none opposed, the motion passed.**

Respectfully Submitted,  
Michele Chamberlain

