

TOWN OF CANAAN
CANAAN SELECTMEN MEETING
February 20, 2007
Canaan Fire Station

Selectmen present: Robert Reagan, Kristina Burnett, and Jay Waldner. Also present were Dana Hadley, Andrew Musz, Charles Townsend, John Bergeron, Joseph Frazier, Thomas Oppel, Al Posnanski, Eleanor Davis, Phillip Salvail, Joe Cote, and the minute taker Christi Berube.

Robert Reagan called the meeting to order at 7:00 P.M. with the Pledge of Allegiance.

**Appointments: Joint Meeting of Board of Selectmen and the Canaan Planning Board
Regarding Building Permits on Class VI Roads/Discontinued Roads**

Jay Waldner explained that he has met with the Planning Board and there was general discussion and consensus that a policy should be drafted in order to address concerns with RSA 674.41 and to maintain a level of consistency regarding building permits and overall town development. Planning Board Chairman, Andy Musz summarized that the current procedures are difficult to enforce since there are often building requests that do not fit the standards. For example, two properties can share a right of way but the addition of a third house requires the right of way to be upgraded to a road, which conflicts with subdivision requirements.

Andy Musz explained that the waiver that the Board of Selectmen allows residents to sign in order to limit town liability complicates the standardization and consistency that the Planning Board is trying to achieve. He stressed the importance of being aware of what development is occurring on a Class VI road or private way. He referred to his point of the subdivision regulation that requires upgrading of a road if a third home is added. There was general discussion that the Board of Selectmen has offered these waivers in the past in order to protect emergency personnel from traveling on roads and driveways that do not meet Class 5 standards after meeting the requirements of 674:41. Mr. Musz noted that the master plan does not specifically address Class VI or discontinued roads. It was suggested that perhaps building permits should not be granted on roads that are built or maintained at less than Class 5 standards.

Discussion ensued that that supports a comprehensive plan to direct the level and type of development that will benefit the town. There was general note that the master plan addresses the density of business and commercial areas but does not address the lesser dense or rural areas, which is where the Class 6 roads and discontinued roads exist.

Andy Musz commented that he spoke with the Registry Office and that residents should provide the map number and lot number whenever requesting a building permit and that these numbers could be cross referenced whenever there is a change with the title.

Jay Waldner suggested that there is a public benefit and a right for residents to use Class 6 roads since some public and private lands can only be accessed by Class 6 roads. He said the state statute

provides protection from liability on Class 6 roads but that the town is also responsible for providing school transportation for special education needs to children. Jay Waldner noted that the Town of Plainfield approved an ordinance in 1987 that no building permits would be granted to properties on Class 6 roads but that ample notice was provided to residents before the ordinance was implemented. Jay Waldner added that the ordinance has not been challenged. Jay Waldner did disagree with Andy Musz that the Master Plan did not consider this issue and he read an excerpt from the Town's 2006 Master Plan, Section VI, Communities Facilities and Services:

“Consider access for fire engines and emergency vehicles as a major element in evaluating the location and design of proposed subdivisions and developments. Avoid development of long, dead end streets, driveways, or rights of ways to remote sites. Study and establish guidelines regarding building permits on non town maintained roads. Provide two potential means of access for fire trucks and other emergency vehicles whenever possible.”

“Discourage development in outlying areas to minimize municipal service costs, minimize the response time for emergency vehicles, and create a more desirable land use pattern.”

He said that this is a directive to think about this type of development.

Chuck Townsend of the Planning Board spoke about the distinction between a Class VI road and a discontinued or private road. He said twenty-eight Class 6 roads existed in Canaan between 1925 and 1960. In 1962 these Class 6 roads were reclassified to discontinued roads, which could mean that no Class 6 roads exist in the Town of Canaan today.

Andy Musz responded that this 1962 decision could easily be challenged if proper advertisement or notice was not provided to the residents before implementation.

John Bergeron cautioned that there are half dozen roads that are classified as a Class VI road. Some may have probably lost their Class 5 status since the roads have not been maintained by the Town of Canaan for five or more years.

There was general discussion that the Town Office should have an inventory of the public roads and that the State of NH has standardized requirements for classifying roads. Private roads could be considered dependent on reasonable access, which would depend on factors such as the nature of the road surface, slope, width, length, and condition.

Joseph Frazier commented that he recently attended a course entitled *Knowing the Territory*, which provided him with some useful printed resources.

Jay Waldner summarized that the options available are to follow the state statutes or to draft a town policy.

There was general review of a memo written by Joseph Butterfield. There was general discussion whether a procedure exists for determining Class 6 roads.

PLANNING BOARD-MOTION by Andy Musz and seconded by Joseph Frazier to form a committee to study and establish guidelines regarding building permits on non-town maintained roads and driveways.

VOTE: Unanimous

Phil Salvail questioned why residents are asked to sign a waiver if the Town of Canaan is going to mandate how private roads and driveways are built and maintained. Phil Salvail commented that residents need to take the responsibility and know that the town is not responsible for private roads and driveways that are not accessible to emergency services.

There was general review of a spreadsheet that John Bergeron drafted of what other towns use for policy regarding Class 6 roads.

There was general consensus that the committee will draft and recommend an ordinance to the Board of Selectmen for approval.

Linda Jones expressed concern whether a blanket policy will be implemented that will prevent her family from expanding their buildings and business on May Street in the future. Linda Jones explained that not all Class 6 roads are remote sites and that two businesses exist on her Class 6 road. Linda Jones suggested that each building request should be reviewed regarding the appropriateness of the building request. Linda Jones encouraged committee members to articulate what the exact concern is regarding Class 6 roads, whether it be safety, municipal liability, or to control development, before setting a blanket policy.

There was general discussion and consensus that a Public Hearing will be required before a recommendation from the committee can be considered for approval.

Linda Jones asked what the procedure is to upgrade a Class 6 road to a Class 5 road. A warrant article or a petitioned warrant article is required or the Board of Selectmen can approve an upgrade with a layout.

Old Business:

The Board of the Selectmen reviewed a draft copy of the minutes dated February 6, 2007. Several grammatical and wording corrections were suggested.

MOTION by Kristina Burnett and seconded by Jay Waldner to approve the minutes dated February 6, 2007, with the suggested corrections.

VOTE: Unanimous

The Board of Selectmen reviewed a letter from the Department of Safety regarding a license application for a retail auto dealer at Peanut's Auto at 56 U.S. Route 4. Dana Hadley explained that the application is for a non-inspection station and that a decision should be made next week.

New Business:

The Board of Selectmen reviewed a letter received from the NH Department of Transportation regarding the condition of the bridge over Goose Pond Brook. Dana Hadley summarized that the steel culvert plates are corroded and that the Town of Canaan will comply with the recommendation to post the road at a 6 ton limit. There was general discussion and consensus to start the application process for bridge aid funds. It was noted that the Goose Pond Association should be made aware of the current situation.

The Board of Selectmen reviewed a letter dated February 12, 2007, from Pemi-Baker Solid Waste District. Dana Hadley noted that the Town of Canaan is a member of the New England Resource Recovery Association. Dana Hadley explained that the Board of Trustees has authorized decisions that were not the recommendations of the administration and now members of the association are being asked to vote by proxy.

MOTION by Jay Waldner and seconded by Kristina Burnett to authorize Glen Carey to represent the Town of Canaan at the meeting scheduled on Wednesday, February 28th and to have Glen Carey report back to the Board of Selectmen with a summary of the meeting.

VOTE: Unanimous

Consent Agenda:

The Board of Selectmen reviewed a letter from the NH Employment Security regarding the Canaan Community Profile. It was suggested that the reference to Canaan Street should be changed to Canaan Village.

The Board of Selectmen reviewed a letter from the Department of Safety regarding portable radios purchased by the U.S. Department of Homeland Security for the Canaan Police Department.

Other Business:

Dana Hadley requested signatures from board members for a reply letter to Phillip Hatch on River Road.

There was general discussion regarding the agenda scheduled tomorrow for the Municipal Official Workshop on Auto Salvage Yards.

Jay Waldner asked Dana Hadley to follow up with Alan Hanscom regarding past discussions.

There was general discussion regarding the differences in opinion received from Bob Cluka and Bob Anderson regarding the Highway Block Grant funds.

Robert Reagan reported that he met with the owners of Mom's and Dad's Restaurant regarding their complaints with unplowed sidewalks and snow banks. There was general consensus to have Dana Hadley contact Alan Hanscom and ask whether the sidewalks are owned and maintained by the State of NH or by the Town of Canaan. There was general mention that the highway policy does have

some reference to sidewalk maintenance. There was general consensus to add this topic to next week's agenda. Dana Hadley noted that he had requested that a bag of salt be supplied to the restaurant owners.

Robert Reagan summarized that the Library Trustees met with Bob Partridge to hear a presentation regarding solar heat options at the library. Robert Reagan added that funds should be added to the Capital Improvement Plan in order to consider replacing the library's heating system in the future. It was suggested that information from the solar power presentation should be forwarded to Tom Oppel.

Pending Items and Status:

1. A decision is needed from the Board of Selectmen regarding the barn preservation easements, which were discussed at the January 30th, 2007, meeting.
2. A committee is still working to update the Personnel Handbook.
3. The update and codification of the Code and Ordinance Book is ongoing.
4. Legal council has advised that a quiet title is needed on the land behind the Transfer Station before the trees can be harvested. There was general consensus to schedule a Public Hearing at the March 6th meeting.
5. Additional training is scheduled February 21st in Chocorua, NH, regarding the junkyard licensing issue.
6. A committee is needed to draft park use rules.
7. Local Government Center has confirmed that the town's insurance will cover incidents regarding bomb threats.
8. The Town of Canaan has not received confirmation from the Town of Hanover regarding salt use of Goose Pond Road.

Jay Waldner reminded the group that a Public Hearing is required relative to Article 18. There was general consensus to schedule a Public Hearing on February 26 at 6 P.M. at the Canaan Fire Station. Dana Hadley offered to contact the media and post the Public Hearing date after the conclusion of this meeting.

It was noted that Candidates' Night is scheduled March 3rd, 2007.

MOTION by Kristina Burnett and seconded by Jay Waldner to adjourn the meeting at 9:10 P.M.

VOTE: Unanimous

Respectfully Submitted,
Christi Berube, Minute Taker
Minutes Accepted by the Board of Selectmen on March 20, 2007