



**Office of the Board of Selectmen
2 Town Hall Road, Newton, NH 03858
Tel: 382-4405 ext. 10 * Fax 382-9140**

www.newton-nh.gov

**NEWTON BOARD OF SELECTMEN
DATE: TUESDAY, September 5, 2017
TIME: 6:45PM**

LOCATION: NEWTON TOWN HALL, 2 TOWN HALL ROAD

PUBLIC HEARING MINUTES

I. Call to Order

Chairman Burrill called the public hearing to order at 6:43pm. In attendance were Selectmen, Matthew A. Burrill, Chairman, Lisa L. Gonyer, Vice-Chairman, Robert S. Donovan Jr., Lawrence B. Foote, James L. Doggett; Nancy J. Wrigley, Town Administrator and Diane M. Morin, Selectmen's Secretary. The public hearing was audio and video taped; the public hearing minutes were transcribed and typed by Diane M. Morin.

Chairman Burrill read the public notice as follows:

In accordance with NH RSA 231:157 and RSA 231:158, notice is hereby given to all residents of Newton, New Hampshire, that a Public Hearing for the purpose to discuss, take public comment and act upon the following item:

To determine if 13 trees along Gale Village Road, which has been designated as a scenic road, be removed to widen the road.

Road Agent (RA) Mike Pivero addressed the Board and explained that in order for Gale Village Road to be in compliance with NH Department of Transportation that 13 trees would need to be removed so the road could be widened. He also stated that it would be a waste of tax payer's money to simply repave the road because the trees would continue to uproot the road. If he were to leave the trees and re-construct the road, the trees' root systems may be destroyed which will eventually kill the trees. If the Board does not approve removing the trees, then he is recommending to keep the road as is and continue patching as needed.

Selectman Donovan asked RA Pivero how long would the road last if the Town decides to patch it. RA Pivero stated that the Town would need to patch it every year as the road is deteriorating. He explained that another option is to overlay the road but feels it too is a waste of tax payer's money. He further explained that the road does not have proper drainage, no crown and no shape to the road. Once water fills the cracks the asphalt will break apart.

Mrs. Trisha McCarthy, spoke for the Conservation Commission, who met with RA Pivero about removing the trees. The Committee did a site walk and agreed with RA

Pivero that the trees need to be removed. The Commission needs to authorize taking down of trees that are more than 15" wide at 4' up the trunk of the tree. These trees meet that designation. The Commission feels that the width of the road is too narrow for emergency vehicles.

Resident Tony Romanoski addressed the Board asking for the trees to not be removed as there is no eminent safety issue on the road. He has witnessed large vehicles passing each other on the road without an issue. He stated that should the road be widened it will encourage drivers to speed on the road. If drivers would slow down there would not be any safety issue. He explained that if you were to cut the trees and lay them down side by side you would have 21 board feet and 13 stumps. He stated that more of a public safety concern would be the poison ivy that is growing alongside the road. He does not see the water pooling in the road. He stated that removing the trees would change the scenic view of the road.

Chairman Burrill asked Mr. Romanoski how he defined eminent danger when it comes to the trees. Mr. Romanoski stated that if the trees were dead that would be considered eminent danger. He would prefer to see the speed limit set to 25mph.

Resident Barbara White asked if all the trees to be removed were over the 15" circumference. RA Pivero believes that the trees are over the 15" circumference.

Resident Joe Carey spoke to the Board and would prefer that safety be the top concern. His family walks the road on a daily basis and is always concerned that his family will remain safe while walking on the road. He would like the Board to consider adding a sidewalk or lane for people to use. The trees are too close to the road to allow safe passage for both vehicles and pedestrians.

Selectman Donovan asked if there is an issue when plowing snow off the road. RA Pivero explained that the snow needs to be dragged down the road because there is no room to push the snow off to the side.

Resident Nancy Slombo asked if the trees were removed would a guard rail be installed because of the 6' ditch on the side of the road. RA Pivero stated that no guard rail was planned because it would require the road to be wider. A guard rail would change the look of the scenic road.

Resident Deb Bunting voiced her concern that taking down the 13 trees will change the look of the scenic road. She asked how many feet would be gained by removing the trees. RA Pivero stated 4' is needed to make the road wide enough. In her opinion, Resident Bunting believes there must be a way to keep most of the trees and still have the road repaved.

Resident Wes Gundersen expressed his concerns that once the road is repaved it will become a speedway. He uses the road on a daily basis and has not had an issue with

vehicles passing him. He stated that removing the trees will change the look of the road.

Resident Pam Brown addressed the Board with her concern over safety for students and buses. If the Town wants to encourage families to move here, the roads need to be safe for all. She commented that she would like to see the trees removed. The road is a heavily wooded area and removing the trees will change the look but not drastically.

Resident Nancy Wrigley expressed her concern that the road is very narrow and can be unsafe for pedestrians walking along the road. The foliage on the trees is towards the top with little growth on the lower half. It makes the road very dark and after rain storms it takes a long time to dry out. To resolve the speeding issue, have the Police monitor the road. Other Town scenic roads have been repaved and are still scenic.

Mrs. Trisha McCarthy stated that the Town does not have the right to prevent a land owner from doing what they want with their property. Utility Companies are allowed to do what is needed to ensure public safety. The trees that are proposed to be taken down are in the Town's right of way. She stated that the Conservation Commission works with the property owners to help preserve the land whenever possible.

Resident Holly Lynch is requesting that the Town re-evaluate which trees are taken down. She does not believe all the trees that are marked need to come down.

Selectman Foote asked if all 13 trees need to be removed or could some of them remain and still widen the road. RA Pivero responded that he would take another look but highly doubts that the number of trees will change.

RA Pivero stated that he needs to take into consideration the whole Town not just a few residents. If he were to just re-pave the road knowing that the road does not meet DOT Standards and should there be an accident the Town may be liable for knowing there was a deficiency with the road's width.

Selectman Doggett stated that while he was a member of the School Board, the school bus companies would request that Gale Village Road not be used to pick up students. Some residents responded that the school buses do pick up students on the road. Selectman Doggett stated that poison ivy will kill a tree.

Selectman Foote asked how many residents from Gale Village Road are present. The count was about 6 home owners.

Chairman Burrill asked what other options are available. RA Pivero stated that they could overlay the road and that it may last 10 years. Should it fail sooner, the road reconstruction would be at the bottom of the list.

Selectman Gonyer asked if any thought or consideration to making it a one-way road. RA Pivero responded that would make some residents happy but is not a good solution.

Selectman Donovan commented that if the Road Agent did just the overlay, the road would still be narrow but now paved and speeding might be a bigger issue on a narrow road.

Resident Deb Marston asked for clarification on the options for paving the road without taking the trees down. RA Pivero re-stated one option is to patch and the other is an overlay. Selectman Donovan commented that an overlay would not last. RA Pivero stated that using the overlay method, the road may last 10 years. If the road was completely re-constructed it could last 50 years or more. Chairman Burrill stated that the Town needs to look at what is in the best interest to all residents. The Town has been frugal with the funds received from taxes.

Resident Holly Lynch asked if the center of the road could be shifted. RA Pivero stated the other side of the road has the utility poles and it is difficult to get the Utility Companies to react quickly to moving the poles.

Selectman Donovan asked if the Board made a decision in a couple of weeks how will it affect the paving schedule. RA Pivero stated that it would be too long to wait for a decision. The time left for paving is shortening quickly.

Chairman Burrill closed the public comment portion of the hearing at 7:49pm.

Selectman Gonyer would like to postpone the decision until next April. She would like to gather cost analysis on all the options available to make an informative decision.

Selectman Doggett would like to re-visit the site to see which trees are tagged for removal. This would give the Road Agent time to re-evaluate the options.

RA Pivero stated that the amount of time for a decision to be made on how to proceed with paving the road will take too long. He would move Gale Village Road down on the list of roads that need to be repaired.

Selectman Donovan is concerned that the Town might be liable now that the Town is aware of the safety issue.

Chairman Burrill encouraged the residents to form a committee or group to work with the Road Agent and come up with a compromise.

Selectman Gonyer requested from the Road Agent a cost analysis of all the options when it is available.

Chairman Burrill expressed concern that the Board is putting off the decision. Selectman Gonyer and Doggett would like to revisit this issue in April of 2018. Chairman Burrill stated that waiting until April, 2018, the issue may not be resolved if there are new Board members.

Resident Joe Carey stated that safety should be the Town's priority.

Selectman Gonyer stated that once the trees are removed how do we address the concerns of the 6' ditch into the wetlands.

Selectman Donovan asked the size of the plow blades. RA Pivero stated the blades are between 11-12' wide which does not leave enough room for a vehicle to pass.

Upon further discussion, the Board will take up the issue in April of 2018.

II. Adjourn 8:17PM

Respectfully submitted,

Diane M. Morin
Board of Selectmen Secretary