



**Salisbury Planning Board
Approved Meeting Minutes
Public Meeting • Academy Hall
April 17, 2023
6:30 p.m.**

Joe Schmidl, Chair (2026)	Present	Loretta Razin, Member (2024)	Present
Jeff Blanchard, Vice-Chair (2025)	Present	William MacDuffie III, Member (2026)	Present
John Herbert, Member, Ex-Officio (2026)	Present	David Hostetler, Alternate (2024)	Present
Jeff Nangle, Alternate (2024)	Present	Joe Landry, Alternate (2025)	Present
Bill MacDuffie Jr.	Vacant	April Rollins, Town Administrator	Absent
Jim Hoyt, Alternate Ex-Officio (2024)	Absent	Jennifer King, Recording Secretary	Present

A meeting of the Salisbury Planning Board was held on Monday, April 17, 2023 at 6:30 p.m. at the Academy Hall.

David Kelly, Matt Mason, Sarah John, Bill MacDuffie, Jr. Jason Hood, and Gayle Landry were in attendance.

Jeff Nangle, Jocelyn Henry and B. Walker attended via Zoom.

Joe Schmidl opened the meeting at 6:32 p.m.

OLD BUSINESS

Approval of Minutes

The Board reviewed the minutes of April 3, 2023.

John Herbert **motioned** that they approve the minutes as written.

William MacDuffie III **seconded** the motion which passed successfully.

Class VI Road Liability Waiver for Travis Silver on Calef Hill Road Tax Map 258, Lot 4

The Selectboard has indicated that they want to do a site walk to view the physical condition of the property. The site walk will take place on Tuesday,

April 18th at 6:00 p.m.

It was noted that a revised agreement was submitted. A building permit application was not located. Chair Schmidl noted that it is difficult for a Planning Board to review and offer recommendation on something if it is incomplete when they receive it.

Vice-Chair Blanchard feels that by offering a recommendation, they are overstepping their role because there is no subdivision taking place in this instance. He referenced RSA 674:41 which would allow a residence on a Class VI Road and noted that this RSA is not in their book, so this is not in their purview. He wants to clarify exactly what their role is, which he feels is strictly advisory only. He proposes that tonight's meeting focus on creating a bulleted list of issues or concerns for the Selectboard to consider in making their decision.

Chair Schmidl has performed a number of these in the past. He agrees their role is advisory only. A recommendation to him is the same as advice.

William MacDuffie III agrees that their role should be defined, as he had noted at the last meeting that they really don't have a lot to work with in this situation.

Chair Schmidl said that the Planning Board are involved in matters like this because of their technical expertise and skill set in analyzing land development.

Vice-Chair Blanchard offered a few points for consideration to present the Board of Selectmen:

- This road is not to be at all maintained by the town.
- Allowing improvements to the road by a private citizen can be approved by the Selectboard or the Road Agent. It was noted that this is stated in the agreement.
- The Class VI road will be used as a sort of driveway, and he wonders if it changes the status of the Class VI road if a driveway permit is granted where it intersects with a state road. Resident Jason Hood stated that the Class VI road isn't changing, improved or not, the only change would be if they allowed them to put a residence there. Road Agent MacDuffie said that he's already been in touch with the state and they are going to issue a driveway permit for it.
- Concerns regarding the amount of legal expenses they may incur defending their lack of liability if someone gets stuck or damages their vehicle by accessing the road. Does the liability change when the property owner assumes responsibility for upgrading and maintaining the road? Road Agent MacDuffie said that there is just as much liability there for the town now. That wouldn't change.

Chair Schmidl added that there is nothing stopping anyone from bringing suit against the town now.

- Questions regarding something in the RSA regarding restoring the road. Road Agent MacDuffie said that it refers to someone that is using the road temporarily, and it states that they “must leave the road in a good passable condition.”

Matt Mason, an abutting landowner, expressed concerns and wondered if the applicant was aware that they overstepped boundaries by ripping up the road the way they have before anything had been approved. NH DOT came out to investigate because they received complaints about water on Route 4. They were not happy with the condition of the road, stating if they were to get heavy rain, they would have to close Route 4. The state really didn't know that Calef Hill Road existed, and said that there is a lot of work that would be required for a house to be put up there. He was expecting to see road engineering maps and plans reviewed at this meeting. He doesn't mind a house being built up there, but he is concerned about the effect of water drainage onto his property. Road Agent MacDuffie confirmed that the property owner is not to do any further work at this time, but he did get permission to go in and put down some stone to mitigate the water drainage issue.

Chair Schmidl said that they will include a recommendation to the Selectboard to not approve anything until they have it in writing from the applicant.

Mr. Mason asked if the address would be on Rt. 4 or Calef Hill Road. Chair Schmidl confirmed that it has been established that the address will be Calef Hill Road. While the road is still considered a road, it is in effect his driveway.

Discussion continued regarding Class VI roads and what the town's rights and liabilities are.

Discussion occurred regarding the definition and legal implications of a site walk.

Vice-Chair Blanchard asked if there should be a bond and would it apply in this situation? Chair Schmidl acknowledged that it may be prudent.

William MacDuffie III feels that their role is to make recommendations on what needs to be done to the road to bring it up to an acceptable condition.

Chair Schmidl feels that they as a whole need to broaden the way they look at development in the town. They have a Master Plan. They have a

number of Class VI roads that could easily be upgraded to support development. Salisbury is a town that can support workforce housing development that the state is in need of. This is the perfect time to rally all interested parties to come together and look at what is coming up and how they should proceed to make sure it is done correctly.

He expressed concerns over the chance they are taking in allowing the property owner to improve the road. If it is a prime development spot, then the town should be looking into bringing the road up to a class V and getting the tax money for it.

One recommendation is that the Selectboard coordinate with the state before advising the property owner.

A list of recommendations between what was discussed tonight and notes from tomorrow's site walk will be presented to the Board of Selectmen.

Other Business

David Kelly expressed interest in writing in an alternate position. Bill MacDuffie Jr. is willing to step down to facilitate this.

John Herbert **motioned** that they appoint David Kelly as an alternate to the Planning Board, term to end March, 2024.

William MacDuffie III **seconded** the motion which passed successfully.

An email was received from a resident regarding traffic on West Salisbury Road. While they have selected West Salisbury Road for a traffic study, the other items listed are items to be addressed by the SelectBoard. John Herbert spoke to the patrols in place by the State Police. Chair Schmidl will draft a letter on behalf of the Planning Board to respond.

The site walk will take place tomorrow, April 18 at 6:00 p.m.

The next Planning Board meeting is Monday, May 1 at 6:30 p.m.

Adjournment

John Herbert **motioned** to adjourn the meeting.

Vice-Chair Blanchard **seconded** the motion and the Board adjourned at 7:43 p.m.

Respectfully Submitted,
Jennifer L. King
Recording Secretary