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Town of Danville
Board of Selectmen
July 8, 2013
7:00 PM

Selectmen Present: Shawn O'Neil, Chris Giordano, Annemarie Inman, Michelle Cooper

Excused absence: Russell Harding

Others present: Janice Pouliot, Bruce Caillouette, Beth Caillouette, Carsten Springer, Nick Cristofori, Dylan Smith, Phil Emilio, Chip Current, Janet Denison, Dennis Quintal, Charlie Zilch, Dave Hoyt

Attendees took a moment of silence for our troops who put themselves in harm's way then stood for the pledge of allegiance.

I. Delegate Session

No delegates present.

II. Stormwater

The Board discussed the MS4 permitting process which deals with stormwater. The Board members explained that Danville participated in the initial draft, and therefore are not able to withdraw from subsequent drafts. They expressed their frustration that Danville will be forced to adhere to standards applicable to larger cities with more impervious surface than Danville. It was mentioned that the EPA seems to be forcing communities to spend money to fix problems that don't exist.

Dylan Smith of RPC explained that his office is still reviewing the draft, which is originally from 2008 but has had the deadline postponed many times. They have recently hired a new staff member, Jen Rowden, who will be the go-to person for this project. He said they would like to understand this whole thing, and are pursuing charitable grants to do so, and they would like to help the communities they serve. Mr. Smith provided copies of two documents, "Stormwater Phase II Final Rule" factsheet published by the EPA and a town map indicating automatically designated MS4 areas.

He said the current EPA draft version is difficult for smaller communities to comply with and RPC is putting together a response letter and will provide Danville a copy of it.

Mr. Smith and Mr. Crisofori were asked how other communities, like Concord, NH and Amherst, MA for example, have been exempted. Mr. Smith explained how some communities are exempted based on population or urban areas. Mr. Cristofori pointed out that Danville has seen a lot of growth in the southern portion of town from 2000 to 2010, increasing the amount of urban area. He said the EPA had to set a cut-off point somewhere and unfortunately Danville just crosses the line. Carsten Springer pointed out the urbanized area criteria is flawed and we have a dispersed development. He said the requirements should be based on acres of paved area.

Mr. Cristofori explained Bartlett Brook and Cub Pond show higher than normal dissolved oxygen which can have natural causes. The dissolved oxygen finding was based on tests done in 2004 and 2010. Selectman Inman asked about the science behind the EPA decisions and that data being used is old or incorrectly applied. There was a short discussion about testing the water inlets and outlets throughout town. This can cost between \$500 and \$1000 depending on the extent of the test. Phil Emilio said the EPA will not validate our own testing.

There was a short discussion of waivers, which are good for twelve months. Carsten Springer expressed his opinion that Danville has three choices: either go along and get along, be antagonistic, or ask questions relative to the waiver and ask the EPA to look at individual permitting. Mr. Cristofori said he does not think Danville has a very good chance of being granted a waiver. The Board agreed the town is not trying to get out of anything as clean water is important to everyone. However, the data and conclusions are questionable and the mandates costly. He suggested

wording our comments such that we are trying and want to comply, but the process being imposed is wrong. He said to outline what has been done in town in good faith and what pieces of their ruling do not apply to Danville. Mr. Springer said this can open the way for environmental groups to sue the town because we are not in compliance.

It was mentioned we belong to a hazmat group which has a good plan in place for emergency spills, etc.

Beth Caillouette said she is working on a draft comment letter which can be included in the comment letter being drafted from the coalition. She will review comments from the RPC and Mr. Cristofori said he will also review the letter and offer comments.

III. Hoyt Gravel Pit Bonding

The Board discussed the application before the Planning Board that was recently granted conditional approval. Dave Hoyt met with Dennis Quintal, town engineer, to discuss an appropriate bond, one of the remaining items before final approval can be granted. A letter dated July 2, 2013 to the Board of Selectmen outlined amounts appropriate for different projects within the gravel pit to bring it to a safe condition if the pit is abandoned by Mr. Hoyt. It was agreed a bond of \$51,000.00 will be sufficient to cover the cost of equipment mobilization, silt fencing for erosion control, and cutting and filling the grade. Mr. Hoyt agreed to keep the bond available in its entirety until the restoration project is finished. Selectman Inman made and Selectman Giordano seconded a **motion to establish a bond in the amount of \$51,000.00 for the Hoyt gravel pit, to be maintained throughout the restoration project.** The motion **passed** unanimously.

IV. Signature File

The Board reviewed the list of 104 unlicensed dogs from the Town Clerk. Selectman Giordano made and Selectman Inman seconded a **motion to issue a summons to the police department for the unlicensed dogs per RSA 466:14.** Selectman Cooper abstained. The motion **passed**.

There was a short discussion of travel trailers being taxed as property. Selectman Giordano will do research on this and report back to the Board.

The June 24 meeting minutes were reviewed. One change was made. Selectman Giordano made and Selectman Cooper seconded a **motion to approve the June 24, 2013 public minutes as amended.** The motion **passed** unanimously.

Selectmen signed the following:

Payroll Warrant in the amount of \$23,459.40.
Vendor Warrant in the amount of \$174,270.90.

VI. Old/New Business

The date of the last inspection for the cell tower will be researched and/or the owners contacted about inspections.

Jim Caldwell discussed with the Board his property on Colby Road. He said it was built as a two-family home in 1810. His family purchased the home almost 45 years ago and has run businesses from the property for the same number of years as well as had family members live in both "apartments." He said a letter was issued to them in 2007 from the Board of Selectmen, stating the home is recognized as having an in-law apartment; however they don't meet the strict criteria for this per the Zoning Ordinance. He said he would like to be able to rent this to unrelated persons and is wondering how to do this while staying in compliance with local regulations. Selectman Inman suggested he research old deeds for evidence that it was built as a two-family. The Board also explained a customary home occupation as allowed per the Zoning Ordinance.

At 9:30 PM, **Selectman Inman made and Selectman Cooper seconded a motion to adjourn.** The motion **passed** unanimously.

Respectfully submitted,

Janet Denison-Selectmen's clerk