Waterville Estates Village District Public Hearing

Refund of Hammerhead Contribution

July 29, 2020 4:00 pm

APPROVED Minutes

Approved as amended on May 27, 2021.

A Public Hearing was held by the Commission of the Waterville Estates on July 29, 4:00 pm at the Community Center Upper Deck at 562 Winterbrook Road, Campton, NH 03223.

The meeting was called to order by Commissioner Herlihy at 4:00 pm.

Members Present: Chairperson Griffiths, Commissioner Herlihy

Members Absent: Commissioner Tole

Public Present: Matt Smith, Maureen Patti, Anthony Patti, Dave Ketcham, Loren Bennett, Terry Bennett, Ned McElroy, Matt Smith, Al Zulli, Harry Bertino, Art Marks, Deb Marks, Mike Hering, Arnold Goodman, James Murphy, Jacquelene Maier, Sue McDermot, Lisa Culver, Joan Wood, Corey Smith.

Commissioner Herlihy opened the Public Hearing at 4:00 pm. Rules regarding who has right to speak were defined as affected parties or those who were involved at the time. This is not the time for others to offer opinions.

General Comments and Opening Statement by Mr. Matt Smith: Mr. Smith indicated that litigation has always been an option. He is hoping instead of going there a settlement recommendation can be agreed to thru this Public Hearing process. In 2009/2010 a property was developed on the road by the owner, as a private home. The Campton Planning Board indicated that a Hammerhead needed to be built at the dead end. The WEVD Commissioners interceded on behalf of the property owners with the Campton Planning Commission. Mr. Smith stated WEVD had no clear authority to do this. A letter was sent by the Commissioners acknowledging an agreement with the Campton Planning Commission. The letter to the Campton Planning Commission took the responsibility from the Mudo's and made the District responsible. Mr. Smith was made aware of this letter sent to the Planning Board, Town of Campton in response to their letter dated November 12, 2009 in January of 2020. Upon consultation with an attorney, he was informed that the clock for discovery began with his discovery of the letter.

Mr. Smith summarized that in 2009 the Campton Planning Board required the upgrading of Taylor Road , formerly Forest Road, by upgrading the width and surface and completion of the Town approved Hammerhead. The district accepted responsibility for both. This was to be done prior to the town approving any additional building permits. The improvements would be completed with the issuance of "another building permit". On October 26, 2013, Mr. Smith applied for a Campton building permit. The Town approved the building permit for Mr. Smith on 11/07/2014 without any reference to the Hammerhead. On 12/17/2014, Mr. Smith made application to WEVD for a building permit. On January 4, 2014 Mr. Smith was denied a WEVD

building permit being told; he had to build the Hammerhead. Mr. Smith feels that the Mudo's had an issue with building the Hammerhead and a settlement reflected in the letter referenced was made by the WEVD Commissioners. Mr. Smith Worked with the WEVD to negotiate an agreement in which began with him paying the total cost of the improvement. The final agreement resulted in Mr. Smith and WEVD each sharing half the cost of the improvement. Mr. Smith paid $10,000. The Hammerhead was built and the resulting improvement is located on Mr. Smith's property. He indicated he pays property tax on the Hammerhead. Mr. Smith believes the WEVD had no standing in the in the Road and requirements of the Hammerhead siting text from "Knowing the Territory", New Hampshire Municipal League guide documents for Government. He believes he paid the entire cost of the Hammerhead. The issuance of his building permit was denied as a result of the required Hammerhead payment. He is asking for return of his $10,000 payment. Commissioner Herlihy stated it is important to discuss issues. Reconstructing what happened is difficult. Mr. Smith paid $10,000 for a building permit. He is concerned this issue occurred a long time ago and he doesn't want this to set a precedence for the WEVD. His struggle is with new property owners expecting improvements as a result of their building. He is in agreement that the building permit for WEVD was $10,000. The Hammerhead was built. Past documents indicate the trigger for this improvement is related to building of second and third homes. He understands the Hammerhead was needed related to Fire/Safety concerns. He feels that it is past time to discuss this issue. Commissioner Herlihy stated, one thing he has learned is a need for better policies and communication to be in place. Mr. Smith again indicated the WEVD had no standing in this process. He indicated that there was discussion related to the number of driveways accessing Taylor was the trigger to the Hammerhead. He indicated his driveway was actually the first driveway not the third even though his was build after other homes were built. Campton policy relates to 500 feet, second and third homes are applying the 200 foot rule. The WEVD had not standing in the Road and interceded on behalf of other residents related to this road improvement issue. It was at the time a Private Road. Commissioner Herlihy and Chairman Griffith indicated they had been advised that time for rediscovery and new discussion has past. Both Commissioners concurred they were told this.

Commissioner Herlihy read into the record the following portion of the March 22, 2014 Board Meeting minutes: " Mr. Hering discussed the Building Committee. He said that there is not a lot going on. He said that they are working on one issue concerning the Smith property. Corey Smith said that he has had numerous conversations with the town. He said that problems stem from actions that were taken 10 years ago. He said that they are making good progress in trying to fix what was a bad situation. He said that he would be meeting with an engineer today to draw up a sketch plan. He said that they hope to have the issue squared away with the town by snow melt. Mr. Marshall asked who will cover the expense of the road. Mr. Hering said that it will be covered by the Village District and the Smith's. He said that the Muto's and the Mahoney's have already invested in the road. He said that the Smith's have agreed to pay $10,000. He said that this has all come about because of decisions made in the past. He said that moving forward, future developments will be dealt with appropriately."

Chairman Griffith reviewed his understanding of the facts. In 2013/2014 Mr. Smith signed a contract with WEVD and paid 10,000 dollars. The Hammerhead was built complete. The letter

mentioned above did not stipulate who the payment for the Hammerhead would come from. Chairman Griffiths , restated the facts, as he understood them. A contract was signed in 2013/2014. Mr. Smith never thought it was right. The work was paid for and the work was done. The 2009 letter did not disclose how the money for the Hammerhead would be raised. Mr. Marsh statement reflected Mudo's contributed land for the road improvements. He is not aware what contribution was made by another resident at the time. Chairman Griffiths indicated that other property owners have paid private companies for road improvements. WEVD nor the Towns have not reimbursed those owners for their contribution. The struggle is to understand, need to pay for private use.

Commissioner Herlihy feels money was spent and the Hammerhead was built. He suggested that neither himself of Chairman Griffith served in 2009. The problem lies with lack of written policies that guide the operation of the WEVD. Commissioner Herlihy feels bad about the muddled process and conflicting information on the requirements.

Mr. Smith again indicates that WEVD had no standing in the process. He thinks that the Hammerhead may be located in the wrong place and should be at the dead end. Chairperson Griffiths stated that this clearly was a muddled process with conflicting communication and information. He confirmed with Mr. Smith that the road was private at the time. After discussion between Chairman Griffiths and Commissioner Herlihy, they offered to reach a settlement and pay Mr. Smith $5,000. Mr. Smith asked for $7500. Mr. Smith indicated that he contributed $10,000, plus a prorated $5,000 for taxes he is paying on the property. Total of 15,000. This splits the "baby" right in half and would be less expensive than other options. He feels this is a fair settlement. Mr. Hering indicated Mudo's and Mahoney's would be coming forward looking for a settlement. Chairman Griffiths indicated he had received a letter from Mr. Mahoney. Chairman Griffiths indicated this would be a one time payment of 7,500 which included the future tax liability. Motion by Griffith, seconded by Herlihy to recommend to the Commission at the August 1 ,2020 Board Meeting the payment of 7,500 dollars for settlement and ownership of the Taylor Road Hammerhead issue. Yeas: Griffith, Herlihy, Nays: none, Absent: Tole Commissioner Herlihy request a document that would verify the completion of this issue. Mr. Smith indicated that he would present an agreement letter with for the record. Motion by Herlihy, seconded by Griffiths to close the Public Hearing at 4:31pm. Motion carried: Yeas: Griffiths, Herlihy; Nays: none; Absent : Tole

Motion to adjourn the meeting by Herlihy, second by Griffiths at 4:31 pm. Motion carried. Yeas: Griffith, Herlihy, Nays: none, Absent:

Tole Meeting was adjourned at 4:31pm.

Minutes Respectfully submitted as Draft Minutes by Terry Bennett, who was asked by Commissioners Griffiths and Herlihy to step in in the place of Clerk Smith.

Draft Minutes include:

Copy of Sign In Attendance Sheet

Copy of Undated Letter

Copy of Minutes from March 4, 2014