



TOWN OF
BROOKLINE, NEW HAMPSHIRE

BOARD of SELECTMEN

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Minutes
Board of Selectmen
Tuesday, November 8, 2011

11:00 am. - Selectmen Tad Putney, Clarence Farwell, Jack Flanagan were present and Karl Dowling was on the phone. Also present were Building Inspector Paul Harvey, Lorraine Marshall, Donna Field and Donna's son Joel Sanborn.

Tad said this emergency meeting is held because of the logging taking place at the end of Smith Road. **Paul** said Scott Childs is having a logger cut trees in the 50' buffer behind his house. Paul said he was at the site this morning and only white pine that are in danger of hitting his house or pool are being cut. He said Childs spoke to the neighbors and no one was concerned with the cut. He said the neighbors on the other side of the Childs also wanted trees cut from their properties. Paul said no hardwood was being cut, just pine. Paul quoted Section **4.11.04** "Existing trees on lots and open space land shall be preserved whenever feasible, unless otherwise directed by the Board." Who determines what's feasible? He also quoted Section **4.12.03** "The 50-foot perimeter setback, or a value as deemed necessary by the Planning Board, is a buffer between the structures in the open space development and any adjacent parcels. This area should include natural vegetation where it exists, or appropriate landscaping where there is no natural buffer. This buffer may include part of any house lot and/or the common open space." **Donna** said the 50 foot buffer should stay. **Joel** said he cut a couple of trees from his lot. **Lorraine** said she wants to make sure this doesn't happen again. The logger took a couple of trees from her lot. **Paul** said there's nothing in black and white that says trees can't be cut. He said it would be clear if the buffer was in a conservation easement. **Tad** cited Section **4.11.05** "Proper permits for cutting must be obtained." Tad noted that the planning board revoked two lots in the Adamyk subdivision, one on Smith Rd and one of Bennett Rd, not the entire subdivision. **Paul** said he told Childs not to take down the neighbor's trees. **Clarence** said a permit wasn't needed if the trees would fall on the house. **Tad** questioned who is liable if we tell someone they can't cut the trees and they fall and hit the house? **Paul** said Childs told him he plans to plant hardwood in the area. **Lorraine and Donna** feel a cease & desist should be issued. **Tad** said we need a violation to issue a cease and desist. **Jack** said the subdivision regulation needs to be changed to a 50' visual buffer. **Clarence** said the town doesn't own the land; the regulation needs to be clarified. **Karl** questioned the definition of a buffer. **Tad** said if there was no vegetation in the buffer, the developer would have to put one in. **Jack** suggested going to look at the site. **Karl** feels it's an attempt to bully if the selectmen go to the site. He said the language is not clear enough to stop the operation. Karl said he's concerned that the property owner isn't at the meeting. **Clarence** said the selectmen should look at it. **Jack moved, seconded by Clarence to go look at the property at 10 Smith Road. Voted yes 3-1; Karl voting no.** Karl feels we're setting a precedent. Karl asked that no votes be taken until he's contacted. The selectmen agreed. All those present left at 11:50 am to view the site.

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At 12:30 Tad called Karl to participate in a vote to adjourn the meeting, but he did not answer his phone. The selectmen voted 3-0 to adjourn the meeting.

Minutes submitted by Rena Duncklee.

Tad Putney

Clarence L. Farwell

Jack B. Flanagan

Karl D. Dowling