

Board of Selectmen
TOWN OF CHESTERFIELD, NH
PUBLIC HEARING – BRADLEY RD
May 18, 2022
6:15 PM. – at Town Offices and Via Zoom

Note: This meeting may be recorded

CALL TO ORDER

Gary Winn called the public hearing to order at 6:15 pm. In attendance were, Fran Shippee, Judy Idelkope and Alissa Thompson

Dave Copeland submitted a petition to remove the “highway to summer cottages” designation from the southern end of Bradley Road (class V) to the intersection of N Hinsdale Road, thus giving year-round access to the Banks property, as the Banks access road runs into Bradley Road at the intersection of Bradley and N Hinsdale Roads.

Gary Winn stated that the road is currently open for summer cottage use, no winter use.

Dave Copeland stated we are asking for 3/10ths of a mile of Bradley Road to have the classification changed so that it opens the road for year-round use. Dave Copeland’s daughter and son-in-law own the property and they purchased it to build a home. Prior to the purchase, Dave Copeland stated he spoke to Bart Bevis, the Road Agent at the time, asking if there would be an issue with getting the blocks removed when it was time to build. Bart Bevis stated that it would not be an issue. Dave Copeland stated he never got it in writing. Dave Copeland’s daughter and son-in-law will not be building a home there. For them to be able to sell the property they need to be able to have this open so someone can build a house. There is no impact as far as traffic as it will just be the owner of the property and anyone who visits them which is minimal. Dave Copeland stated he looked at the Town Highway Budget and the amount that they have for plowing and what he figured the cost would be about \$500 a year to plow. He stated that maintenance was another topic that was raised, and Dave Copeland stated that it is minimal. The next topic that was brought up was a development on the property. Jason Gardner wants to purchase the property and build his dream home.

Gary Winn chose to read a few of the letters that were sent into the Board of Selectmen before Jason Gardner was recognized. Gary Winn read a correspondence between the Town Attorney and the former Director of Public Works. The letter stated “We have a few roads designated as Highways to Summer Cottages in town. It is time to open them up for summer use, my question is if we wait for a few days to open them past the legal dates are there any legal ramifications? The roads that the now closed roads lead to are still experiencing mud conditions and added traffic will adversely affect them, also we have a storm coming in tomorrow night with some significant snowfall possible and this will create hazardous conditions on the newly opened roads as they are not maintained during the winter months. Any advice would be welcomed, my plan is to open the summer cottage roads next week as the weather allows for safe travel but by

definition, they should be open already". Gary Winn states that we don't have the Attorney's reply present at the meeting, but Gary Winn believes that the Attorney stated that it was okay for the Town to open the roads a little later.

Gary Winn read the letter from Paula Duston. The letter stated "I am not able to attend the May 18 public hearing on changing the status of the southern end of Bradley Rd to allow year-round access. I am very strongly opposed to this change which is being requested by a landowner. I walk Gulf Rd, Bradley Rd, and Merrifield Rd year-round so I have a firsthand perspective on what it would cost to keep those roads open year-round. The town already spends a lot in winter and in spring – and any time there is a strong rainstorm. The highway department does an excellent job of maintaining these dirt roads. Adding the southern end of Bradley Rd to their responsibilities will no doubt increase the expenditure of the highway department. This, of course, will be passed on to all of us, the taxpayers. It seems likely that the landowner has plans for some sort of housing development, although he or she knew when they purchased the land the non-year-round status of the road. This person would probably argue that the increased tax base will offset these increased costs. However, there are too many examples throughout the state of New Hampshire where this argument has been demonstrated too not to be true. The Town should not agree to help finance this person's desires to increase their own wealth. Gulf, Bradley, and Merrifield Roads are beautiful. They all deserve to be maintained for what they are – wonderful dirt roads that add character to our town. Once access is increased to either Bradley or Merrifield Roads, there will be increased traffic, and increased car accidents. Trying to rescue people on these roads will be both difficult and costly. Please deny this request and leave the southern end of Bradley Rd with the access limited to summer cottages. Gary Winn stated Paula Duston lives at 202 Stage Rd.

Gary Winn read the letter from Tim Butterworth who lives at 72 North Hinsdale Road. The letter stated, "While this particular section of road may be short, it is part of a hub which blocks winter traffic from Hinsdale and Chesterfield at the junction of the North Hinsdale, Bradley and Merrifield Roads known as "The Spider Web". Traffic to and from North Hinsdale and Brattleboro, the Rte 9 Connecticut River Bridge, and Chesterfield Rte. 63 and Rte 9 to Keene can all use this as a shortcut in the summer. Not many do because the dirt roads wind through wetlands in the most mountainous section of town. If the improvements to this section of road spread to opening through winter traffic on Merrifield and North Hinsdale roads, it could easily increase traffic on the whole network, with large local impact local as well as the whole town. These are now slow, one-lane, twisty roads clinging on the hillsides, squeezing by the ledges, and built out over brooks. Improving these roads for winter use would cost a lot of money, probably requiring two lanes to pass a plow, and guardrails. I don't believe there is a more difficult terrain for roadbuilding in any Class V roads currently in use in Chesterfield, or a project more destructive to a wilderness area. Improving this kind of road often makes them faster rather than safer. After a few accidents there may be calls for further enlargement and upgrading in a vicious cycle. Before a decision is made consideration should include not just local traffic to residences, but the potential of increasing through traffic from the Hinsdale bridge to Brattleboro and the Rte 9 bridge to VT I-91 and through Chesterfield center to Keene. Cars with VT plates frequently use these roads from commuting in the summer, and some study of that should be part of an application process. There seem to be some inaccuracies or confusion in the petition, much of which rests on a Hinsdale v. Chesterfield

lawsuit. The petition confuses Chesterfield's 2005 attempt to close the road year-round with the seasonal closing of the road in the winter. These roads have been blocked for winter use since long before I got here in the 1970's, when Alvin Davis used to plow just past our house to build a barrier of snow, and then back the truck around in our driveway. Based on these findings, the petition claims that closing the road was mostly to keep Hinsdale drivers off the road, and that summer maintenance is not expensive. The 2005 finding had nothing to do with continuing seasonal closing of the roads, or the cost of upgrading the roads to be safe to use and maintain in the winter".

Gary Winn read the letter from James and Joan O'Neil. The letter stated "we totally favor of this improvement of year-round access to area in intersection of Bradley Hill Road and N Hinsdale Road to Year-round access for 3 reasons: 1) improved access to area incase of forest fire protection 2) improved efficiency of Town Highway trucks when plowing snow in winter – no turnaround efforts in fall/spring/winter. 3) Assist Banks access to their property.

Gary Winn read the letter from Steve Laskowski. The letter stated "I have been following the Facebook string on the hearing for the change of classification of a portion of Bradley Hill Road to allow a property owner to access property. All who were paying attention to town affairs certainly knew that this day was coming for one or more of our gravel roads, however, I can't help but wonder why the only current option being presented is to reclassify Bradley Hill Road. As a town employee who has patrolled that road in all weather and all times of the day, I can attest to the fact that beyond the seasonal road closure point lies a half mile or so of the worst conceived and constructed road in town! Sharp curves, narrow meeting points and intruding wetlands and multiple pull-offs for nefarious activity are only the beginning of the problems with Bradley Hill Road. Why is no one looking at opening a portion of Merrifield Road to the point of entry of the petitioner's land instead? Sight distances are vastly better, road alignment is vastly better, maintenance is likely easier and safer, and the same end is achieved. We probably should solve the problem for the petitioner but not necessarily by choosing the only option presented in the petition".

Gary Winn recognized Jason Gardner of 89 N Hinsdale Rd. Jason Gardner stated that he and his wife and 2 children have been living here for 11 years. They are at the point where they are out growing their house but want to stay in this area. Jason Gardner does not want to open N Hinsdale Road. Jason Gardner does drive that road in the summer as he has a business in Hinsdale and see's everyone's concerns about that road. His intention is to purchase the property build a nice house with a nice view and does not want to see a housing development. He sees that the original petition was for Bradley Rd, but he has considered Merrifield Road but wants to know from the Road Agent what would be a better choice. He has a signed purchase and sale agreement pending on year-round access to the land.

Bruce Adler, the Road Agent, stated that to send a truck down there at 2 in the morning is trouble, there are enough problems now. The road would need some widening, trees cut, a lot of work to the road. There is a lot of water that comes down the Merrifield Rd. There would be a fair amount of sand needed for that road and extra time to plow during a storm.

Jon McKeon (via zoom) I just wanted to give a little background information with that area. Mr. Butterworth was on the Selectboard back when the court case came out. His presentation was very accurate. I think what needs to be looked at is the letter from Mr. Laskowski and the road agent. This has been brought up a few times over the years and the same issues have been brought up. Two of the past road agents stated that they were concerned with getting over the hill during the winter. Jon McKeon stated that Mr. Copeland stated that it would just be the property owner and guests on the road, but people will start to get curious and travel it. The present owner had all the knowledge of the designation of this road when purchased it seems that this is only for the owner's personal monetary gain.

John Daly, Hallelujah Farm – stated that he is strongly against opening that road, it is impassable. There is a big boulder that you would need to go around. The nature of the road would be changed, and it would be more than one family they have noticed a difference from summer to winter. Every time it rains the ditches must be dug deeper. I am sure there is a lot of people that would love to buy that property to keep it as is.

Patty Carbonaro, N Hinsdale Rd – interested to know how the power will get there? Jason Gardner stated that it would be off grid solar power with a generator. Jason Gardner stated that it would be costly to bring power all the way out there. John Daley states that power presently comes off Bradley Rd, there is a little powerhouse. The rest of the power goes up through several hundred yards of woods.

Thomas Dustin stated that he wanted to discuss the wildlife districts that are located on this property. This property is right in the middle of the purple section of the map he presented with the highest ranked wildlife habitat.

Al Dauphin, North Hinsdale Rd stated he wants clarification as to opening the road. Gary Winn stated that we have been asked as the Board of Selectmen to open from the blocks that are now there to the intersection of Merrifield Road down to North Hinsdale Road. Al Dauphin stated there would be no access to North Hinsdale Rd. Gary Winn stated that it would be closed after the fork in the road. Bruce Adler stated that every side road would have to be blocked off along with the three that they already do or people would be driving around out there. Gary Winn stated Merrifield Rd would need to be blocked off as well.

Chris Greenspan, 20 North Hinsdale Rd stated she would like to see this work out for you and your family. The one thing that worries her is the drunk drivers that are throwing trash on the lawn. Gary Winn stated that the road and other parts of the road would still be opened and closed at the same times as they are now every year.

Francis Howard 64 Merrifield Rd wants several clarifications, such as the road maintenance for this road. He would like to know how many more blocks would be needed. His interpretation of the statute is that the road would not need reclassification. Is there added expense, possible liability, could this be handled in a different way to stay the same classification but not have it be changed so drastically that it would invite the added traffic. As he sees it, it is revised statute 231:81 of 2012.

Kristin McKeon just wants to make sure that you are familiar with the court decision. Kristin McKeon drove all those roads today. They are steep, curvy, and in the winter they are worse. We are going to add the expense of more work to the road. Who is going to bear the cost for them to have the year road access to their property?

Pam Walton has a question for potential owner – he has the intention that he is going to build one house. Is he willing to put it in his deed that he will only put one house on that property? Jason Gardner stated that no he would not put it in his deed that there would only be one house in the deed.

Jason Gardner stated as far as the wildlife I agree why not just have one owner with one house. Everything changes who knows what the future would be for that road and that property. As far as the road improvements we don't want to have the road improved we just want to gain access on the existing road that is there for that one piece of property.

Dave Copeland wants to respond to the 4-wheel drive comment that came from Kristin McKeon. Dave Copeland asked if this is already problem on other roads in town. Bruce Adler stated that yes, it is. they have to pull people out. Dave Copeland wants to state again that it is only 3/10ths of a mile of road. Dave Copeland stated the comment about the big gain of the landowner. The property owner is not making a lot of money on this. Dave Copeland stated that comment on that he knew about the road access, and it was closed during winter when he bought the land, well yes, he did he talked to the road agent at the time and was told it would not be a big deal to open it. If you look at other roads like Orchard Rd it is the same thing.

Francis Howard stated that the property owner never asked for the road to have any maintenance they just asked for it to be opened for year-round access. Francis Howard would like to hear more from the Road Agent for an opinion to how that would play out in actuality. Bruce Adler stated you would have to open the road and finding out the right of ways to both side of the road. That road can not be plowed right now the way it is. They would be going down that road 3 or 4 times a storm. There is no cell phone service or radios to call if they are stuck or run into trouble. The road would have to be wider where the driveway for the house is so that the truck could turn around.

Jeff Scott stated that Mr. Copeland states that times change. He said he spoke to Bart Bevis and never got it in writing. I think his real intent is that one home will be built. Jeff Scott thinks by opening this road that it will be like Pandoras Box and then Merrifield Road and then North Hinsdale Road will be opened. I think that possibly in the future it could turn into development.

Kristin McKeon recommends a book that is put out by New Hampshire Municipal Association that is called "A Hard Road to Travel" which has a lot of information that is good that pertains to this.

Francis Howard wants to know how many extra blocks would be needed. Bruce Adler stated 10.

Jody Mattulke, 56 Bradley Hill Rd – asked if there is five pieces of land up there. Jason Gardner stated that no there is only one. Stated that if it was sold out to a bigger company that it could be developed. Jody Mattulke wanted to clarify that because a development could add a lot more traffic to Bradley Rd.

Chester Haber, Merrifield Rd property, there is no way to get a low boy out there, tri-axle dump trucks would need to get up there. You don't think you have to fix that road, but that road needs a lot of work.

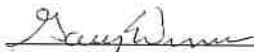
Frances Howard stated he thinks that this type of vote should be made at Town meeting for a majority vote.

Gary Winn closed the public hearing at 7:18 pm. The Board of Selectmen will discuss and make a decision. Gary Winn has recused himself from this decision as he has a working relationship with Dave Copeland.

Respectfully submitted,

Alissa Thompson
Town Administrator

Approved by:



Gary Winn, Chairman

6/5/2022

Date

Fran Shippee

Date



Judy Idelkope

6-6-2022

Date