

TOWN OF EPSOM  
PLANNING BOARD  
940 SUNCOOK VALLEY HIGHWAY  
EPSOM TOWN OFFICES  
AUGUST 14, 2019  
6:30 PM

**In Attendance:** Kathy DesRoches, Chairman; Mike Hoisington, Vice Chairman; Dan McGuire; Joe Harnois Cheryl Gilpatrick, Selectmen's Representative; Betsy Bosiak, Alternate

**Not in Attendance:** Sharon Burnston; Jay Hickey, Alternate

**Other Attendees:** Scott Elliott; Attorney Robert Carey; Gordon Ellis; Robert Topik

Kathy opened the meeting at 6:30 PM.

Kathy discussed the firms being interviewed and that the Road Agent would be sitting in the interviews.

Kathy discussed that there is a meeting with Town Counsel on Tuesday, August 20 at 2:30 PM to discuss Planning Board issues. All Board members are invited.

**Mike motioned to go into non-public session per RSA 91-A:3 II (c), Cheryl seconded the motion. The motion passed with the following vote: Yes – Kathy, Mike, Joe, Dan and Cheryl. The Board went into non-public session at 6:44 PM.**

**The Board returned from non-public at 8:20 PM.**

Attorney Carey met with the Board regarding Gauthier Drive. He noted that he reviewed the May Board minutes and the Board of Selectmen minutes of a June meeting.

Attorney Carey noted there are two issues: maintenance bond for acceptance of the road and construction of the road. He noted that when there was a vote in May the road should be accepted. What the Board wants to do regarding protection of the road is a maintenance bond. That is separate from a third engineer coming in to review the construction of the road. His client does not have an issue with a maintenance bond. Attorney Carey feels it is illegal to not accept the road. He noted his client felt the escrow money could be used to have one or two engineers develop a maintenance bond amount. He noted that his client would not allow escrow funds to be used for an engineer to review the construction of the road.

Attorney Carey discussed the engineering oversight of the road. He noted that the developer would repair any issues with the road as he would like the road accepted.

Dan noted they are concerned with damage of the road with the future development of the remaining property. Attorney Carey noted that the developer would want to repair any damage on the road even if it has been accepted or the Town could use the Maintenance Bond.

Cheryl noted that during the process of the road being built there is nothing in the file regarding engineering oversight.

Attorney Carey noted that it was not his clients issue that Hoyle Tanner did not complete oversight of the road. Attorney Carey noted that the current and former Road Agents agree that the road should be accepted.

Dan asked why the Board is involved. Cheryl noted that the Board of Selectmen sent it back to the Planning Board to determine the amount of the damage (maintenance) bond.

It was noted that Hoyle Tanner only completed inspections for the initial construction of the road, not all the construction that has been completed.

Attorney Carey reiterated that his client would be acceptable to using the escrow funds to have engineers develop a maintenance bond.

Gordon Ellis, former Road Agent, noted that he could determine a maintenance bond amount in a very short time (10 minutes). Gordon Ellis noted he had been at the site and the developer does a good job. Mr. Ellis stated the road was constructed above standards. Mike asked if he had documentation to verify this. Mr. Ellis said no.

Attorney Carey asked when a decision might be made. It was discussed that the Board is meeting with its attorney Tuesday, August 20, and no decision would be made until after the meeting with the attorney. The Selectmen could not discuss the issue until September 9.

The Board discussed if they wanted to select an engineer tonight.

**Mike motioned to go into non-public session per RSA 91-A:3 II (c); Dan seconded the motion. The motion passed with Kathy voting yes, Mike yes, Dan yes, and Joe yes. The Board went into non-public session at 8:48 PM**

**Mike motioned to return from non-public session, Dan seconded the motion. The Board returned from non-public session at 9:10PM**

**Mike motioned to employ KV Partners for Planning Board engineering services, Cheryl seconded the motion. The motion passed.**

It was determined to review the July 24, 2019 minutes at the next meeting.

Kathy adjourned the meeting at 9:13 PM.

Respectfully Submitted,

Betsy Bosiak  
Recording Secretary