

MINUTES  
PUBLIC HEARING  
SELECT BOARDS, TOWN OF CAMPTON AND TOWN OF THORNTON  
JANUARY 26, 2012

The two Boards met as a joint Board at 6:30 p. m. at the Waterville Estates Community Center. Present were, Selectmen, Charles Cheney, Charles Wheeler, Sharon Davis, Craig Keeney, and Marsh Morgan, Tim Tyler, Alfred Burbank, Roy Sabourn and David Joyce. Also present were Laura Spector-Morgan, Town Counsel, Town Administrators Ann Marie Foote and Tammy Beaulieu, and Minutes secretary, Eleanor Dewey.

A copy of the list of members of the public who were present at the meeting can be obtained at the Campton Town Office, Selectmen's Office.

Selectman Sabourn inquired if anyone at the meeting had a problem with him participating as a Selectman in this public hearing as he has performed survey work for the Waterville Estates Village District in the past. There were no objections.

At 6:30 p.m. Co-Chair Tim Tyler called the meeting to order and stated that the reason for this meeting is that the Towns of Thornton and Campton have received a Petition to Change District Boundaries within the Waterville Estates Village District (WEVD). Co-Chair Tim Tyler then explained the guidelines for the procedures that would be followed this evening to address the joint Boards. Co-Chair Tim Tyler also presented a letter that was addressed to the Town of Thornton, Thornton Town Administrator from Mark O'Hara indicating that he is in favor of the boundary change. Co-Chair Tim Tyler read the letter out loud and then requested that the letter be part of the records.

Co-Chair Sharon Davis then called on Attorney Bart Mayer, who is representing the WEVD. Mr. Mayer proceeded to explain that this matter was not in anyway a personal matter between WEVD and the Matsons. Attorney Mayer explained that the WEVD provides benefits to it District, i.e. water, roads and recreation facilities and taxes are paid by property owners in the District to provide these benefits and the Waterville Estates Association contracts with WEVD for special events. Attorney Mayer indicated that it is the WEVD intent to protect the integrity of the District. Attorney Mayer indicated that after the Matson's building permit was issued the Matson's plans changed reflecting the fact that they wanted to build their home on an abutting lot which is not in the WEVD. It is noted that the Matsons signed a statement on the plot plan that they agreed to build their home in the WEVD. Attorney Mayer ended his presentation by asking the Board to turn over the vote to the District voters to make a decision as to whether or not the WEVD boundaries should be expanded.

Co-Chair Tim Tyler then called on Attorney Jack McCormack who represents the Matsons. Attorney McCormack stated that the lot in question is one-half mile away from water service. There is no water, no sewer, and no services. The original lot that is approved for building has extensive ledge. With that in mind, the Matsons changed their minds, in good faith, and purchased an abutting property to build their house on (after a

boundary line adjustment was approved by the Thornton Planning Board). This particular lot is not within the WEVD; however for reasons addressed above, the Matsons decided to build their home on the lot outside the WEVD boundaries. Attorney McCormack also informed the Boards that litigation has been initiated by the Waterville Estates Association against the Matsons pertaining to “what rights people have for building on lots”. Attorney McCormack also cited the RSA pertaining to the fact that Select Boards may decide whether to expand a District; however, his believe is that...”expanding the District just to get more taxes is not right and inconsistent”. Attorney McCormack requested that he wanted it noted on the records that a previous owner of a lot in WEVD, Welby E. Boughton, III has addressed, in writing to him that he is against the expansion of the District.

Co-Chair Davis then opened the meeting up to the public for discussion. She then called on Corey Smith (WEVD General Manager) Corey explained that this issue is all about property values and servicing the District. The lot in question is 90 feet away from the boundary line to a water line. A map was presented to the Boards. Corey stated that one lot has use of the facilities; the other does not which presents an unfair circumstance for District taxpayers. The District feels it would set a precedent. The District also feels that by the Matsons building their house and living in it, they are more likely to intensely use the District’s amenities; but avoiding paying the higher taxes they would have to pay if the house was built on the lot in the District. Corey also feels there will be a flood of abatements causing property values to go down and a chain reaction of potentially hurting the Towns of Thornton and Campton. In addition, Corey stated that the Matsons did not comply with the approved Building Permit. Corey confirmed the Matsons signed a plot plan indicating they would build in the District.

Co-Chair Tim Tyler then called on Mike Mahoney, Chairman of the Waterville Estates Building Committee. Mr. Mahoney confirmed that the Committee bent over backward for the Matson. They signed a plot plan and specs. on how they were going to build the home. He also stated that they created a pond on the property and received no approval from state or local agencies for the pond. Mr. Mahoney also expressed that the Matsons were told there was no option to build outside the estates.

Co-Chair Davis then called on Frank Marshall, Building Committee member and member of Waterville Estates Association. Mr. Marshall questioned the fact that the lot was unbuildable because of ledge. He explained that the Matsons had a pond dug at least three feet into the ground so he feels that contradicts the theory that the lot is not buildable.

Co-Chair Tim Tyler called on Mr. Matson. Mr. Matson stated that it is true that they would receive recreation event benefits; however, the purpose to having the District is for road and water services. Mr. Matson stated that there is no water pipe to his driveway and no intention of the District to provide one. Again, Mr. Matson stated the purpose of the District is to provide services; however the road to his property is maintained by the Town. The only benefit he would receive is recreation benefits for which he pays taxes on an 8 acre lot, whereas most other lots are much smaller. Mr. Matson also explained

that they have improved the lot by putting in a driveway and pond. Mr. Matson confirmed he spoke with the Fire Chief regarding the pond and the idea of the pond was for fire protection purposes. Mr. Matson stated that the governing agency for the pond issue is the Department of Environmental Services to which he confirmed had been contacted. Mr. Matson also stated that there are more than 300 land-only lots not built on in the WEVD. If WEVD can't require everyone in the District to build on, then, they can't ask him and his wife to build on their lot either. Mr. Matson did present a solution which was presented to the WEVD that upon the death of him and his wife, they would agree in a deed that the property revert back to the WEVD. This resolution was denied by the WEVD.

Co-Chair Davis called on Barbara Lajunesse of 92 Pegwood Road, Campton. She expressed to the Board that she was very concerned about the value of their house and the difficulty of resale if this precedence were allowed to be set.

Co-Chair Tim Tyler called on George Humphrey, a residence outside of the WEVD, but also owns a home in Waterville Estates. He expressed that he felt the Matsons were trying to get something for nothing. He would like the District voters to decide.

Co-Chair Davis called on Mrs. Chris Matson. Mrs. Matson confirmed that the Waterville Estates District lot would be an option for someone "who has a considerable amount of money", and they have been expending their retirement monies to straighten out this issue. She stated the other lot is more affordable to build on. She also presented a map depicting the outer boundaries of the WEVD. She pointed out that one boundary is the National Forrest, one by Mad River common land and one property owned by one person. Mrs. Matson's posed that these abutters would cause no threat to setting a precedence of "access lots". Corey Smith pointed out that the property owned by the one individual that Mrs. Matson mentioned is comprised of large acreage and lots and roads have already been put in.

Co-Chair Tim Tyler inquired if there was any closing discussion. Attorney McCormack wanted to clarify that covenants discussed have nothing to do with the District and nothing to do with the issue this evening.

Attorney Bart Mayer asked that the Boards execute their authority under their authority.

Co-Chair Davis then declared the Public Hearing closed with no further public discussion and the joint Boards adjourned for a non public meeting with Town Counsel.

Upon the joint Boards returning to the meeting room, Co-Chair Davis announced that the Board's agreed that they were delaying the vote for more time to review documents submitted at the meeting tonight as well as documents delivered to both Town Offices earlier in the day, and, to also consider the testimony heard tonight. The Boards will meet again on February 13, 2012, at 6:30 p.m., at the Campton Town office to vote on the issue.

Respectfully submitted,

Eleanor M. Dewey  
Office Assistant to Ann Marie Foote, Town Administrator