

**TOWN OF WILTON NEW HAMPSHIRE  
JULY 18, 2022, SPECIAL TOWN MEETING MINUTES**

Acting Moderator Deb Degan opened the Special Town Meeting, held at the Wilton Lyndeborough Cooperative High School Cafeteria, at 6 PM.

She began by reading the Special Town Meeting Petition Warrant, as follows:

1. "To see if the town will vote to approve the designation of Barrett Hill Road in Wilton New Hampshire as a Scenic Town Road in accordance with RSA 231-157. The designation as a Scenic Road will extend in its entirety, from the intersection of Barrett Hill Road and Burton Highway and will terminate at the private property boundary on the lot identified on the Wilton tax map as A-34".
2. To transact any other business that may legally come before said meeting.

The article was moved by Kermit Williams, seconded by W. Bart Hunter.

Kermit Williams next spoke to the petition warrant article as follows:

"Good evening, and welcome to our special Town Meeting. As you have heard, there is a single warrant article proposed for tonight, and that is to designate Barrett Hill Road as a scenic road following the rule under state law, specifically RSA 231:157. If that passes, then Barrett Hill Road will be subject to the requirements of RSA 231:158, which includes the state rules for scenic roads. I won't read the entire statute – I suggest you look it up if you're interested – but I will tell you that the statute generally requires that trees and stone walls along the right-of-way of the road may not be removed or damaged without written consent of the Planning Board or other body after a public hearing. It does not generally limit the actions of a private landowner on his own property – behind the town's right of way for the scenic road.

My point in bringing up this detail is to ensure that the meeting knows about RSA 231:158 section V, which says "A town may, as part of a SCENIC road designation under RSA 231:157 or as an amendment to such designation adopted in the same manner, impose provisions with respect to such road which are different from or in addition to those set forth in this section. Such provisions may include, but are not limited to, decisional criteria for the granting of consent by the planning board or other designated municipal body under paragraph II, or protections for trees smaller than those described in paragraph I, designated for the purpose of establishing regenerative growth along the SCENIC road."

Based on that portion of the statute, it would make sense to have a more defined process and criteria for approval of actions controlled by the scenic road designation, so I move to amend Article 1 by adding at the end, "And to further authorize the Planning Board to create rules defining the process for holding a public hearing and the decision criteria under which consent shall be granted for the

cutting, damage or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, or other actions affecting Barrett Hill Road as a scenic road.”

He further mentioned that the statute only protects trees with a circumference of 15 inches or larger, but the section allows for protection of smaller trees. He stated voters could amend the article to protect smaller trees, and that would be in order as well. Kermit William’s motion, as stated above, was seconded by W. Bart Hunter.

Acting Moderator Deb Degan asked if there was any discussion to Kermit’s amendment. There was no discussion from the audience.

She next read the amendment, as proposed by Kermit Williams:

“To see if the town will vote to approve the designation of Barrett Hill Road in Wilton New Hampshire as a Scenic Town Road in accordance with RSA 231-157. The designation as a Scenic Road will extend in its entirety, from the intersection of Barrett Hill Road and Burton Highway and will terminate at the private property boundary on the lot identified on the Wilton tax map as A-34. And to further authorize the Planning Board to create rules defining the process for holding a public hearing and the decision criteria under which consent shall be granted for the cutting, damage or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, or other actions affecting Barrett Hill Road as a scenic road.”

Joanna K Eckstrom, 14 Laurel Hill Street, asked how this amendment would affect any development on Barrett Hill Road if the road is designated as a scenic road. Selectman Kermit Williams responded that the Planning Board could require whoever wants to do the work to have to pay for any associated involved costs.

By voice vote the amendment to Article 1 was approved.

Peter Howd, 36 Barrett Hill Road, asked whether trees smaller than 15 inches in circumferences would be protected? Kermit Williams responded that NH Statutes only allows for protection of smaller trees if it is approved by the voters. Following further size discussions Peter Howd proposed amending the article to protect trees 9.5 inches or greater in circumference. Motion to amend to protect trees 9.5 inches or greater in circumference was seconded by Karon Walker, also of 36 Barrett Hill Road.

Select Board Member Matt Fish questioned if the 9.5 inch or greater tree circumference restriction would apply only to Barrett Hill Road? He stated he was against the amendment if it would apply to all scenic roads in town. It was clarified that, if approved, the 9.5 inch or greater tree circumference would only apply to Barrett Hill Road. He acknowledged he would then support this amendment.

Acting Moderator Deb Degan next asked for a voice vote on the motion to amend Article 1 to protect Barrett Hill Road trees with a 9.5 inch or greater circumference. By voice vote the amendment was approved.

Joanna K Eckstrom, 14 Laurel Hill Street, asked what additional maintenance or repairs are anticipated if this road becomes classified as a scenic road. What would be the cost that would have to be paid for by taxpayers?

Kermit Williams noted Wilton currently has six existing scenic roads as follows: Heald Road, Kimball Hill Road, King Brook Road, Russell Hill Road, Sand Hill Road, and Wilson Road. He further explained that there is no specific requirement for the town to do any specific work on a scenic road. "Most scenic roads are off the beaten path and are not heavily used".

Tom Schultz, 122 Burton Highway, asked for whoever created the petition to come forward and speak. Richard Kahn, 52 Barrett Hill Road, stated the petition is self evident. He elaborated the petitioner wanted the road to continue in its specific state.

Marilyn Jonas, 27 Fairfield Lane, spoke to say Barrett Hill Road "is a beautiful road, particularly in winter. It is a beautiful and quiet place to walk and well worth protecting."

H. Whitney Carpenter, 52 Hearthstone, asked what happens when the electric company needs to trim trees as most of the trees work is done by their crews. Kermit Williams explained there are exceptions for emergencies. He stated routine work on any scenic road in Wilton, or anywhere in NH, requires utility companies to go through the process of applying to the respective Planning Boards for approval. This requirement is spelled out in our NH Statutes.

H. Whitney Carpenter asked what the process would be to address dead limbs currently hanging over Barrett Hill Road. Kermit Williams answered they would have to go through the required process of obtaining Planning Board approval before removing any tree limbs. The only exception would be in the case of an emergency. This requirement would apply to Barrett Hill Road effective today if the voters who are present at the meeting approve this warrant article.

W. Bart Hunter explained the utility companies use approved arborists to determine what needs to be done on any scenic road. Their recommendations then go before the Planning Board for approval. He noted the proposed cutting plan on Heald Road was amended when Planning Board Chairman J. Alec MacMartin suggested changes to their proposal. The arborist's initial tree cutting plan was then adjusted to fit the Planning Board's recommendation.

Tom Schultz, 122 Burton Highway, again spoke to the audience. He explained he had been raised here, later moved away but decided to come back to Wilton with his family. He stated he was concerned about Wilton's lack of affordable housing and the challenge for anyone trying to move here. He stated his belief that this article was created with the intent to stop proposed development on Barrett Hill Road, which could prevent the opportunity for many folks to move here, including his own children should they choose to move back to Wilton. He further stated his conviction that assessment values would increase for any properties located on a scenic road.

The Acting Moderator admonished Mr. Schultz to keep his discussion relevant to the question before the voters today. After Mr. Schultz stepped down Andrew Kennedy, 67 Hearthstone, stated the proposed eight new lots on Barrett Hill Road is not, and would not be, affordable housing. Hearthstone is example of what can be done for affordable housing.

Select Board Member Matthew Fish spoke to say “he recused himself from voting as he was a member of the Planning Board”. He then left the meeting.

Peter Howd, 36 Barrett Hill Road, spoke to say “none of this article changes the zoning, development or acreage requirements. All it does is to restrict tree cutting”.

W. Bart Hunter spoke to say “Wilton currently has 100 approved building lots”. The Moderator directed him to stay on topic with the warrant article being discussed. He then made a motion to move the question.

The Moderator allowed another comment as she saw a voter waiting to speak. Joseph Coffey, 29 Stagecoach Road, stated “we need more scenic roads in town. We should go ahead and do this - approve this warrant article!” He also made a motion to move the question. His motion was seconded by Richard Kahn.

Acting Moderator Deb Degan noted voting would be done by paper ballot per written request of five present voters. She next read the original article as amended.

“To see if the town will vote to approve the designation of Barrett Hill Road in Wilton New Hampshire as a Scenic Town Road in accordance with RSA 231-157. The designation as a Scenic Road will extend in its entirety, from the intersection of Barrett Hill Road and Burton Highway and will terminate at the private property boundary on the lot identified on the Wilton tax map as A-34. And to further authorize the planning board to create rules defining the process for holding a public hearing and the decision criteria under which consent shall be granted for the cutting, damage or removal of trees 9.5 inch circumference or less, or the tearing down or destruction of stone walls, or portions thereof, or other actions affecting Barrett Hill Road as a scenic road.”

After the votes were tallied the Acting Moderator announced the paper ballot vote was 42 yes votes and 7 no votes. The original article as amended twice was approved.

A motion to adjourn was made and seconded. The meeting concluded at 6:50 PM.

Respectively submitted,

Jane K. Farrell  
Clerk & Collector