

44 Hillary spoke to say the track's attorney is making novel arguments in order to get
45 around deed restrictions. He is saying the deed does not apply because they're holding
46 the festival on property that they did not own at the time the settlement agreement was
47 signed. They are also saying the small piece of land the concert would be held on is in
48 the rural residential zone and it is an allowed use. If arguments are not presented at the
49 hearing that object to those issues, we can appeal, but not on those specific issues.
50 They must be included in the discussion at the hearing to be able to appeal.

51

52 Ken said he spoke with Bart Meyer who said, at this time, it is his opinion
53 that: When Loudon declares regional impact they should send notification about it.
54 Hillary interjected to point out that they voted regional impact but it wasn't according to
55 the RSA. Lori advised the Board she had email communication with Danielle Bosco,
56 administrative assistant to the Loudon Planning Board, who said the deadline for
57 application is April 26, 2017. It will be on the May agenda for completeness and to
58 legally vote on regional impact, and won't be heard until June so they can send out
59 notices.

60

61 Ken continued to say that once it's legally declared regional impact, Bart said he will
62 have to recuse himself from representing both Canterbury and Loudon. He also felt
63 once it's regional impact, we're invited to the hearing and at that point we have a seat at
64 the table. Bart didn't feel legal representation was needed at that time, unless there's
65 an appeal process. He has three or four other attorneys he would recommend if we felt
66 we needed legal representation.

67

68 Pros and cons of hiring an attorney were discussed, as well as the Planning Board's
69 current budget. Art felt it wouldn't hurt to have someone look at the deed restrictions
70 and site plan conditions and establish an argument based on those.

71

72 Jim felt there were two important things to do tonight: 1.) Presume that there will be an
73 application and it will be regional impact, at which point, we'll be invited to the hearing.
74 Any of us can go and speak as individuals, but it's important that 1-2 people speak on
75 behalf of the Board. He thinks we should agree on a position and vote on that, and to
76 have people speak for us. It's important to be clear whether each person who goes to
77 the meeting is speaking for the Board, or individually. Jim feels when we make a
78 decision on our position, it shouldn't be based on our opinion, it should be about what
79 we would do as a Board if the application was before us. Would we enforce the
80 restrictions, send them to the ZBA etc., and we'd do a good job of it. 2.) Decide how
81 we will relate to our Select Board to keep them updated and to get a feeling of what
82 their position is.

83

84 Cheryl Gordon and George Glines didn't really know how they felt. She did say that
85 anyone involved in the prior civil suit should sit out of the actual vote of how to move
86 forward. She understands they're going as private citizens, but people involved in the
87 suit should not be the people to speak on the Board's behalf. Jim said he is not
88 planning on speaking for the Board.

89

90 Hillary said after she was involved in prior litigation in 1999 when the racetrack was
91 expanding, she was elected by the Board of Selectmen to speak on their behalf. She
92 said she would have to have a pecuniary interest to remove herself from this, and she
93 doesn't have that. Cheryl thinks Jim or Hillary should not be the one to represent the
94 Board. Jim confirmed he would not be. Hillary disagreed.

95
96 The Plan for Tomorrow and Warrant Article 14 were discussed. Hillary stated we need
97 to think about the rights of people in this community. She doesn't think it's about her or
98 Jim. She is talking about just government for this town, and for our town government
99 protecting residents' property rights. We should also be concerned about the
100 commercial property on Route 106 and how that could affect anyone wanting to develop
101 that area.

102
103 Tyson added that it could be up to seven concerts or more, it's going to be 3 days,
104 20,000 people per day, plus camping. Hillary added it was also going to go until 10:30
105 or 11:00 pm. Tyson also pointed out that Loudon residents were upset about drinking
106 issues.

107
108 Ken Stern spoke to say Jim mentioned having a voice speak for us; Cheryl expressed
109 concern about who the voice should be, and Art expressed concern about being
110 prepared. Collectively he's hearing it's time for an attorney to represent us. It seems
111 obvious.

112
113 Art agreed with Jim that 1) We as a board should look at it as if it came before us, and
114 2) After listening to the conversation tonight, he believes it would be a good idea to have
115 a spokesperson, and it should probably be a lawyer. An emotional argument isn't going
116 to get us anywhere. A lawyer can bring the facts without emotion. He hates to spend
117 the money, but after hearing everyone's comments tonight, he believes it's time. Tyson
118 agreed it would be good to have that weight there. Art pointed out that he agreed with
119 Hillary's comments that if you don't argue something when you have the opportunity, it
120 will be difficult to argue it later.

121
122 Tyson suggested we have a meeting like this once the lawyer sees all the pieces of the
123 application and other documents. He also felt we meet in a non-public session to get a
124 grounding of the lawyer's opinion.

125
126 Kent wanted to be sure we would be included in any Loudon Zoning Board action as
127 well. It was discussed that the Zoning Board also has to vote it regional impact as well,
128 and we'd be notified.

129
130 The Board discussed the budget with Ken Folsom who confirmed that we have a
131 professional services budget but since we're going outside of our regular town council, it
132 may be a good idea for the Board of Selectmen to agree in the event we go over our
133 budget.

134

135 Art confirmed that we have a proposal from an attorney. He will look at that and
136 perhaps we will solicit a couple of others. In the next week we should have a lawyer
137 agreed on, and he will see that the Board of Selectmen will receive the proposal.
138

139 Jim thought this Board should have a vote that we are making a determination that we
140 want to do everything we can to see that the deed restrictions and site plan restrictions
141 are enforced so we go on record as voting as a board.
142

143 Art brought up the idea of a motion again. He asked if everyone was in agreement with
144 obtaining an attorney now. All agreed.
145

146 Ken Stern said there's a Warrant Article that was passed by the town and there has
147 been no subsequent article to change direction. Unless there's some kind of special
148 town meeting called to change the direction, the Boards are still under the assumption
149 that the Article holds true. The residents have directed the Board of Selectmen,
150 Planning Board and Zoning Board that this is the direction the residents want to go. Jim
151 said he doesn't want to beat a dead horse, but, let's say some people on the Board
152 were country music fans and they weren't on board with our approach. Taking a vote
153 would show whether we are in agreement with each other, and there's no harm in that.
154 Jim also thinks there should be one member of this Board speaking along with the
155 attorney we hire, but it won't be him.
156

157 Motion by Hillary: Given the directions that are in our Master Plan regarding the
158 speedway and the warrant article passed in 1998, that this Board continue to work to
159 uphold the settlement agreement and noise restrictions that were imposed upon the
160 track in 1989 and to that end, hire an attorney to represent us in the application that will
161 come before the Loudon Planning Board. Kent seconded.
162

163 Discussion: Tyson asked if we should remove the reference to the settlement
164 agreement. Art said if we stick to the verbiage of the Warrant Article we should be fine.
165 Joshua pointed out that some people bought land in this town with the understanding
166 that they had protections against the racetrack. Joshua believed the motion has to
167 include the settlement agreement.
168

169 Judy Elliott spoke to say if there's a motion it seems safer that it also include the
170 independent wish of the town to minimize any damage.
171

172 Jim wanted to acknowledge that Judy Elliott is a signatory of the settlement agreement,
173 just for the Board's knowledge.
174

175 No further discussion.
176

177 Vote: Unanimous.
178

179 Joshua spoke in regards to Bart Mayer. Bart saying we don't need a lawyer right now is
180 a legal opinion and Joshua feels we should not be talking with him about any of this.

181
182 Teresa Wyman spoke saying she was at a Conservation Commission meeting last night
183 and thought it was possible the Commission might have to get involved. She asked if
184 we could elaborate on that. Jim said Kelly Short asked if there was any role for the
185 Conservation Commission on this issue. Jim mentioned he talked to someone that
186 thought there may be case law that treated deed restrictions as conservation
187 restrictions. Hillary thought it was premature to have that discussion.

188
189 There was discussion about deadlines once the application is submitted to Loudon.

190
191 **Other Business:**

192
193 Tyson said there's a question about the gas station at exit 18. The gas station is gone,
194 but the tank is still there, and someone told him it may be leaking. Ken is looking into it.
195 There was discussion about what happens to that property. Art said the owner is
196 responsible.

197
198 Jim moved to adjourn. Kent seconded. Vote: Unanimous.

199
200 Meeting adjourned at 8:15 p.m.

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202 Lori Gabriella, Secretary