

LEGISLATIVE COMMITTEE MINUTES

HB250

Bill as Introduced

HB 250 – AS INTRODUCED

2015 SESSION

15-0236
06/01

HOUSE BILL **250**

AN ACT relative to requirements for perambulation of town lines.

SPONSORS: Rep. Crawford, Carr 4; Sen. Bradley, Dist 3; Sen. Birdsell, Dist 19

COMMITTEE: Municipal and County Government

ANALYSIS

This bill revises the requirements for the perambulation of town lines.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT relative to requirements for perambulation of town lines.

Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 1 Perambulation of Town Lines. RSA 51:2 is repealed and reenacted to read as follows:
- 2 51:2 Perambulation of Town Lines. Whenever the selectmen of any town deem it necessary that
- 3 the lines between the towns in this state be perambulated, or any marks and bounds renewed, it
- 4 shall be done by the selectmen of such town or by such persons as they shall in writing appoint for
- 5 that purpose. The selectmen shall give notice to the selectmen of the town adjoining and the
- 6 procedure for such perambulation or renewing of bounds shall be the same as that provided in
- 7 RSA 51:4 through RSA 51:7.
- 8 2 Repeal. RSA 52:3, relative to additional perambulation, is repealed.
- 9 3 Effective Date. This act shall take effect January 1, 2016.

Amendments



Amendment to HB 250

1 Amend the bill by replacing sections 1 and 2 with the following:

2

3 1 Perambulation of Town Lines. Amend RSA 51:2 to read as follows:

4 51:2 Perambulation of Town Lines. The lines between the towns in this state shall be
5 perambulated, and the marks and bounds renewed, ~~[once in every 7 years forever,]~~ by the selectmen
6 of the towns, or by such persons as they shall in writing appoint for that purpose *one time within 7*
7 *years after the effective date of this section. Thereafter, such lines may be perambulated*
8 *when the selectmen deem it necessary. The selectmen shall give notice to the selectmen of*
9 *the town adjoining and the procedure for such perambulation or renewing of bounds shall*
10 *be the same as that provided in RSA 51:4 through RSA 51:7.*

11 2 Repeal. RSA 51:3, relative to additional perambulation, is repealed.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB HB 250

BILL TITLE: relative to requirements for perambulation of town lines.
DATE: February 5, 2015
LOB ROOM: 301 **Time Public Hearing Called to Order:** 1:42 pm
Time Adjourned: 2:38 pm

(please circle if present)

Committee Members: Reps. J. Belanger, Sterling, Coffey, Bickford, Harris, Kappler, DeLemus, Ammon, F. Chase, Cheney, Peterson, Varney, Tatro, Porter, Carson, Beaulieu, C. Brown, Cornell, B. Tilton and Treleaven.

Bill Sponsors: Rep. Ladd, Graff 4

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

1. Rep Carol Crawford introduces repeal requirement to perambulate knows this type of bill heard before and failed Let towns take ownership of perambulation Q: Would it be ok to use arial perambulation? A: yes
2. *Carter Terenzini Moultonborough SUPPORTS
3. Brian Nelson Burford Antrim OPPOSES represents self know the purpose of the bill is to save towns' time and money; but nothing replaces walking the bounds; repetitive. When it becomes necessary is when it is too late. Bill needs work, but has not seen the amendments law does allow town to appoint someone other than the selectmen to do the job.
4. Cordell Johnston NHMA SUPPORTS did survey of members less than 15% in compliance law no longer makes sense Q: check boundaries, but not walking line? A; anything that makes it less burdensome
5. Shelagh Connelly Holderness OPPOSES recent perambulation found a conflict with neighboring town great New Hampshire tradition
6. *Ken Clinton NH Land Surveyors Association OPPOSES Important to do this boots on the ground, see if there are issues

can appoint someone to do the work for them
there is no checklist on what needs to be done; only thing that is required is some sort of report

7. Gerald Miller Hampton OPPOSES

Bounds—the purpose is to make sure the bounds are still there and still in good condition
walking lines is how you find out if there has been any change
GPS gets you close; photos let you see what it looks like; descriptions help you
Need to see what is on the ground--Aerial photos don't make it

8.* Susan Bryan Kimball OPPOSES

Doing away with law would make it difficult for land owners to settle disputes

9.* Dennis McKenney Timberland Association OPPOSES

forester and land surveyor
comparison of town line perambulation between Deering and Bennington over time
land untaxed by either town--equity issue
are significant issues with town lines
benign neglect
shifts costs onto landowners

10.* John Fournier Self Opposes

Wakefield/ Middleton issue

His town had not done perm since 1992; he asked town to do it, they refused. He believed his
property was in in the other town

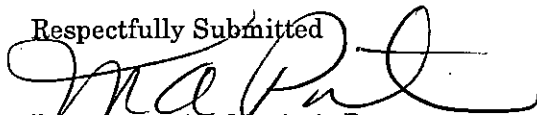
hired Mr. Miller

House was not in Wakefield

He has spent \$100K on this, town is out nothing

Has not voted in town or county he should have; by failing to perambulate, town has caused him
harm

Respectfully Submitted



Representative Marjorie Porter
Committee Clerk

House Committee on Municipal & County Government
Public Hearing on HB 250

AN ACT relative to requirements for perambulation of town lines.

SPONSORS: Rep. Crawford, Carr 4; Sen. Bradley, Dist 3; Sen. Birdsell, Dist 19

Belanger, Jim	X	Sterling, Frank	X	Porter, Marjorie	X
Ammon, Keith	X	Beaulieu, Jane	X	Bickford, David	X
Brown, Chris	X	Carson, Clyde	X	Chase, Francis	X
Cheney, Catherine	X	Coffey, Jim	X	Cornell, Patricia	X
DeLemus, Susan		Harris, Jeffrey	X	Kappler, Lawrence	X
Peterson, Ken	X	Tatro, Bruce	X	Tilton, Benjamin	X
Treleaven, Susan		Varney, Peter	X		

LOB Room 301

Date: 2/5/15

Hearing called to order: 1:42

Hearing Adjourned: 2:38

Testimony

* indicates written testimony or amendment submitted.

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Let towns take ownership of perambulation
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3. Brian Nelson Burford Antrim OPPOSES
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When it becomes necessary is when it is too late. Bill needs work, but has not seen the
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Has not voted in town or county he should have; by failing to perambulate, town has caused him
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Respectfully Submitted

Representative Marjorie Porter
Committee Clerk

Testimony

NEW HAMPSHIRE LAND SURVEYORS ASSOCIATION

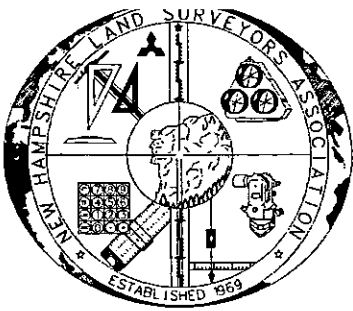
PO Box 689

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email address: info@nhlsa.org



February 5, 2015

House Municipal and County Government Committee
33 North State Street, Rm 301 LOB
Concord, NH 03301

Re: HB 250, relative to requirements for the perambulation of town lines.

Dear Committee members,

The New Hampshire Land Surveyors Association (NHLSA) wishes to inform you of our strong opposition to HB 250, relative to requirements for the perambulation of town lines as introduced. *for amendments*

As Licensed Land Surveyors, we have special knowledge and unique experience regarding town line perambulations. We routinely encounter town line bounds, refer to past perambulations or research town line records while performing boundary surveys. We know first-hand, the importance and value of well-marked and documented bounds for both the town and their citizens to rely upon.

HB 250 would remove the seven (7) year requirement from RSA 51:2, to allow perambulations to occur at the discretion of the selectmen. We understand some selectmen characterize this as a burdensome or onerous effort. Although the original perambulation law is quite ancient, its purpose and intent remain pertinent given today's land values and varied uses. Perambulations not only propagate the town line locations, they ensure proper taxation and help prevent town and private property disputes.

Eliminating the specific time period would reduce the actual frequency to extremely rarely or more likely... never at all. This is contrary to the clear intent of the law's current language which states "...once in every 7 years, forever...". The use of the word 'forever' is evidence that the writers took this time requirement especially seriously. Should a town's selectmen deem they don't personally have the time or expertise to perambulate the lines, the current law provides for that by stating "...or by such persons as they shall in writing appoint for that purpose...".

It is important to note that two previous attempts to modify this law in the same or similar way have been killed in recent history;

HB 628 of 1989 - House Municipal & County Government Committee - ITL vote of 17-0 on 3/16/89.

The majority report stated, "The present system now in place is functioning and has functioned adequately for many years. The statute provides flexibility concerning unilateral cooperative action relating to adjacent municipalities".

HB 70 of 2005 - House Municipal & County Government Committee - ITL vote of 14-2 on 2/9/05.

The majority report stated, "The committee heard convincing testimony that the maintenance of communities' borders is a vital function, specifically by attending to the condition, position and visibility of marker monuments, with necessary repair or replacement of damaged or lost monuments".

We sincerely hope you will recognize the value and need for RSA 51:2 & 51:3 to remain as currently in force and will vote this bill Inexpedient to Legislate. Thank you for your consideration.

Very truly yours,
New Hampshire Land Surveyors Association


Ken Clinton, LLS
Government Affairs Director

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BARBARA CORMIER
PO Box 689
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Raymond, NH 03077
603-895-4822

I'd like to speak in opposition to House Bill 250 regarding perambulations.

Perambulations are very important to landowners as well as municipalities. If Towns go long periods of time without walking the bounds, confusion results for the Town and the landowner.

The Town lines are the basis for real estate tax assessment. If there are questions, how can an accurate assessment be made? In our case on the Sandwich/Tamworth line, both Towns assess real estate taxes using an approximation of the Charter line, but this line differs from the blazed lines on the ground, causing confusion in estimating acreage. A perambulation is needed to address this.

A major issue with HB250 for the individual landowner, is that if the Towns feel that there is not a problem, or if they don't want to spend money to address a perambulation issue, the landowner has no way of initiating or forcing the perambulation process to get the Town line clarified and agreed upon. That is also a problem in the current system.

As an example, our forestland spans and abuts the Sandwich/Tamworth town line. The last completed perambulation was about 65 years ago, in 1949. In our section of the line, there is a blue blazed line, which differs from the Charter line used for assessing, and there is also a red blazed line in places. The distance between these lines at the southern end on the Moultonborough line is 900 feet, creating a gore of about 150 acres with unclear municipal jurisdiction, and causing considerable confusion.

Several practical problems arise for us as a result of this confusion caused by lack of perambulation:

1. Yield tax – if it's not clear where the Town line is, how should we determine how to divide the timber cut and resulting yield tax between the two towns?
2. We have a forest opening in the gore between the various lines. If we wanted to build a cabin or house there, which Town's setback, wetland delineation criteria, or building requirements should we use? Similarly which regulations for wind towers, cell towers, gravel pits, businesses, etc. would apply?
3. We had a logging accident requiring emergency equipment. In our case, both Towns responded and the outcome was good. What would happen if this accident had been in the area between the lines where the municipal jurisdiction is unclear? What if wildfire response was required?

Note that these are all municipal jurisdictional issues, not individual property ownership issues, resulting, at least in part, from lack of frequent perambulation.

In summary, Town line perambulation is important and should be performed often enough that local townspeople have been involved and are aware of the monuments, etc. I imagine that the folks perambulating the Sandwich/Tamworth line 65 years ago thought the return was clear. But there is confusion now in the absence of further perambulations. Our forefathers thought every 7 years was the right frequency; perhaps every 15 years is a better interval now. But perambulating only when one Town thinks there's a problem is not often enough.

NEW ENGLAND FORESTRY CONSULTANTS, INC.

Dennis D. McKenney, Daniel D. Reed & William M. Caveney
Consulting Foresters and Land Surveyor
569 North Bennington Road
Bennington, New Hampshire 03442-4505

Telephone (603) 588-2638 voice and fax E-mail: dennis_mckenney@comcast.net; dan-reed@juno.com; wmcree@gmail.com
Internet: www.cforesters.com

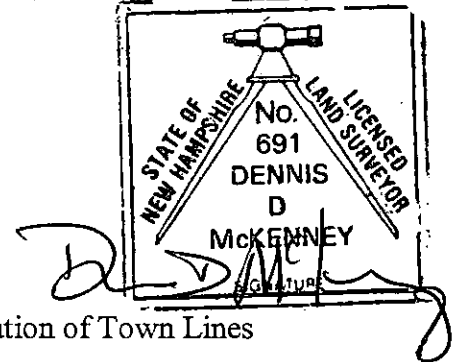
To: Member of the Municipal and County Government Committee
From: Dennis D. McKenney, Land Surveyor/Consulting Forester

February 5, 2015

RE: HB 250—An Act Relative to the Requirements for the Perambulation of Town Lines

I offer the following comments in strong opposition to this bill. It is ill advised, irresponsible and will not serve the interests of the citizens of New Hampshire.

- The legal requirement to perambulate municipal boundary lines is not only an ancient responsibility, it is an obligation based in wisdom. All owners, be they public or private, have a duty to monitor their property. However, most town lines and their bounds have been treated with **benign neglect** for decades to the detriment of all.
- Please review the large format spreadsheet that accompanies my remarks. It profoundly illustrates this issue of **benign neglect**. This document, part of a set of recent perambulation records for the adjoining towns of Bennington and Deering, shows that the last complete records for the perambulation of their common line took place in 1921, 94 years ago!
- Further to underscore this issue of **benign neglect**, the last records for the perambulation of this common line were dated 1950, 65 years ago! But my spreadsheet shows that the participants did a poor job and seemed to limit their work to those bounds visible from a truck or automobile.
- I undertook a pro bono project to perambulate the entire length of the common boundary between Bennington and Deering. The series of lines runs about 13-14,000' through woods, swamps, and over hills typical of the terrain in much of New Hampshire.
- My work, completed in 2004 resulted in a set of plans and this spreadsheet, which are now recorded in the Hillsborough County Registry of Deeds.
- I discovered land that was un-taxed by either town, land identified by deed as lying in Deering but actually in Bennington, tax maps for the respective towns with distinctly different locations for the same line, to name a few issues.



- The issue of scrivener's errors and the standards (quality control) that would constitute a proper perambulation, which are weaknesses in the current law, are topics for another day.
- Local governments have a statutory responsibility to monitor and maintain their boundary lines. Failure to do so downs shifts the entire cost to a select few landowners whose land is bounded by or divided by a town line.
- This long standing, legitimate public responsibility supports the proper and equitable taxation of private property and verifies the location of public infrastructure like roads, bridges, culverts, etc. This is important as many regulatory and administrative functions are vested with the town. Also, knowing which municipality is responsible for the infrastructure is important to identify their maintenance and law enforcement obligations.
- Sadly, my experience shows that the example of **benign neglect** so drastically illustrated by the condition of the line common to Bennington and Deering is more the rule than the exception.

HB 250 is ill advised since it 'fertilizes' the issue of benign neglect, discriminates against certain landowners by shifting significant legitimate public costs to these unfortunate few and ignores the wisdom of the ages regarding monitoring one's property for its protection against trespass and intrusion.

My thanks to each of your for your service to the citizens of New Hampshire and your careful deliberation regarding this and all the bills that may come before the Committee.

Enclosure: Sheet 1 of 4 Plan 33611—156; Hillsborough County Registry of Deeds

Thursday, February 5, 2015, 1:20 p.m.

HB250, relative to requirements for perambulation of town lines
Speaking in OPPOSITION

Brian Nelson Burford
Antrim, NH

Speaking as a citizen of Antrim
As a licensed land surveyor

While I am the State Archivist, and therefore the officer who files Perambulation filed with the Secretary of State, **I am NOT speaking on behalf of the Department of State or the Secretary.** The views I express are mine alone.

I have walked 2 perambulations in my life: (a) the Goshen-Washington Town Line from the back of Mount Sunapee, down through Pillsbury State Park, and up Lempster Mountain (where wind-mills now turn); and (b) the Antrim-Stoddard town line (essentially along the divide between the Merrimack and Connecticut River watersheds).

My reasons for feeling a perambulation is important and should remain mandatory

- To place the limits of municipal responsibilities physically on the surface of the earth
- To assist local government in law enforcement, zoning enforcement, emergency response, taxation, and other matters
- To assist the citizens of the municipality know where the bounds are
- To update and maintain the physical bounds that mark the division between two municipalities before they fall into decay and require expensive relocation efforts.
- To facilitate the agreement between the two (or more) municipalities about the location of their boundaries.

The difficulties with perambulation

Often takes time to research previous perambulations, and understand where the current perambulation needs to go and what is expected to be found when the people arrive there.

Often takes a major portion of a day to walk a 6-mile line and renew bounds along the way

The task needs to be done by someone in good physical health (could be over difficult terrain)

Uncertainty about what the process is, and how to complete the perambulation

A misunderstanding that once GPS coordinates are known for the bounds, the location is known and set;

Selectmen often have other issues to address – which seem more important, more pressing, or more interesting.

The sense among selectmen, reporters, many in the public that a perambulation is “archaic” or

"arcane". But perambulation is as archaic as the legislature.

The solutions to the problems

There are citizens in most towns interested in hiking, and will to hike as a service to their community; Selectmen are currently authorized by law to appoint representatives in their places.

The Conservation Commissions of several towns have accepted the responsibility of perambulating

GPS is a valuable tool in returning to the location of a bound, to confirm its continued existence and good condition, but does not replace the physical presence of a person at that bound.

HB 250

TITLE III
TOWNS, CITIES, VILLAGE DISTRICTS,
AND UNINCORPORATED PLACES

CHAPTER 51
TOWN LINES AND PERAMBULATION OF BOUNDARIES

Section 51:2

51:2 Perambulation of Town Lines. – The lines between the towns in this state shall be perambulated, and the marks and bounds renewed, once in every 7 years forever, by the selectmen of the towns, or by such persons as they shall in writing appoint for that purpose.

Source. RS 37:2. CS 39:2. GS 47:2. GL 51:2. PS 52:2. PL 56:2. RL 69:6.



Office of Selectmen
Town of Moultonborough
6 Holland Street - PO Box 139
Moultonborough, NH 03254
(603) 476-2347 * Fax (603) 476-5835

Carter Terenzini
Town Administrator

February 5, 2015

To the Honorable Chair and Members of the
House Committee on Municipal and County Government

Re: HB 250 as Amended

Good Day.

My name is Carter Terenzini and I am the Moultonborough Town Administrator. I appear to speak in favor of the proposal to amend the current perambulation statute by creating a 7 year window in which Towns may perambulate their borders one last time. Thereafter, such perambulations would be a matter of choice.

Excluding our borders with Alton and Holderness, which lay at a point in Lake Winnepesaukee and Squam Lake respectively, we have 6 communities with which we must perform the required perambulation. Despite our ongoing and good faith efforts; only two of those boundaries can be said to be currently in compliance with statute.

While it may not excuse it; this statutory requirement is – at best – honored in the breach. A survey conducted by the New Hampshire Municipal Association in 2010 showed that less than 15% of the respondents fully walked all of their boundaries. From our experience, even in that instance, we suspect many of those simply revisited the boundary markers. Less than 50% of the respondents who perambulated faithfully filed their required reports. The major obstacle to carrying out such perambulations was reported to be “scheduling difficulties.”

In our opinion, advancements in technology and aerial mapping which can show Town boundaries and even structures which might lay over such boundaries have become so increasingly affordable – to even the smallest of communities - that the time has come to discontinue this requirement after this one last period to time.

Doing so will allow us to devote the time and money we expend on this effort, little as it may seem to you, to service to our community and compliance with other statutory obligations.

We implore you to end this colonial tradition long replaceable by today’s technology.

Thank You.

Attachment: Article 350: “360 Years of Perambulation”; New Hampshire Town and City Magazine, November/December 2010; Christopher J. Porter

NEW HAMPSHIRE MUNICIPAL ASSOCIATION (/)

New Hampshire Town And City

360 Years of Perambulation

New Hampshire Town and City, November/December 2010

By

By Christopher J. Porter

What comes to mind when you hear the word perambulation?

1. Arcane, archaic state statutes?
2. Au-pairs pushing prams though Hyde Park?
3. Beating the bounds?
4. PERambulation? I thought it was PREambulation!
5. Selectmen tramping though the woods in search of "a certain large maple tree" mentioned in the town's charter that probably died back in 1783?
6. Pre-meditated amputation?

If you said "some of the above" (numbers 1, 3 and 5) you are clearly a keen student of perambulation, the subject of which was the focus of a survey conducted this past summer by the New Hampshire Municipal Association (NHMA). Before diving into the study's findings, a bit of background on perambulation may be useful.

By definition, according to *Merriam-Webster*, to perambulate is to: (1) travel over or through, especially on foot; or (2) make an official inspection of (a boundary) on foot. Although the etymology is Latin, the "modern" form and usage of perambulate dates to 1568.

Perambulation was a colonial import, as described in the following piece on the custom's British traditions, "Selectmen on the Trail!" by James W. Baker, published at Jabez Corner (<http://www.jabezcorner.com>):

Years ago, one of the more practical festivals of the Christian Year was Rogation. A moveable holiday that occurred the Monday, Tuesday and Wednesday before Ascension Thursday, Rogation was when each town organized a procession to trace the parish or borough boundaries. Civic and religious leaders led a perambulation which stopped at each boundary marker where a prayer was given (in part to prevent evil spirits from spreading diseases and spoiling the harvest) before returning to the church for cakebread and ale. Another feature was the practice of "beating the bounds" which was done both figuratively by pacing them off and literally with peeled willow wands to both the boundary markers themselves and to little boys brought along for the purpose in order to impress upon their memories the exact location of the true parish boundaries so that when they grew up they could attest to the boundaries even if the markers went astray, and carry on the tradition. They were also often given a small coin for their troubles.

While perambulation in Britain is rooted in church customs and parish boundaries, perambulation of municipal boundaries in this country became a secular, civic responsibility. To some extent, the custom remains in all New England states, but perhaps nowhere more adhered to than here in New Hampshire.

Looking around New England, Massachusetts remains the only other state with a statutory requirement for municipal boundary walking. Although perhaps even more often ignored than in New Hampshire, Massachusetts requires that this be done every five years, rather than our seven. Maine's every-five-year perambulation statute was repealed in 2003. (A similar movement was thwarted by the New Hampshire General Court in 2005). Maine and Vermont now seem only concerned that their state border with New Hampshire be perambulated every seven years.

New Hampshire Statutes

Armed with a bit of the history and the meaning of perambulation, we turn to the statutory requirements imposed on the cities and towns of New Hampshire. While RSA 1:1-7 deal with the perambulation of New Hampshire's state boundaries, RSA 51:1-9 cover the municipal obligation, the heart of which is the following: "51:2 Perambulation of Town Lines. - The lines between the towns in this state shall be perambulated, and the marks and bounds renewed, once in every 7 years forever, by the selectmen of the towns, or by such persons as they shall in writing appoint for that purpose."

Section 51:4 goes on to require that the details of the perambulated boundaries be filed with the Secretary of State, the effect of which is their filing with the State Archives. The remaining sections of statute deal with disagreements between municipalities, perambulating unincorporated areas, and the penalty imposed upon selectmen of a town refusing to cooperate and participate in a neighboring community's boundary walking, once proper warning of said perambulation is provided.

Today's statutes have their roots in the Colonial Laws of the Massachusetts Bay Colony, which, as referenced in *The Colonial Laws of Massachusetts*, by William H. Whitmore, as early as 1651 required that:

...every Town shall set out their Bounds, within twelve months after their Bounds are granted: and that when their Bounds are once set out, once in three years, three or more persons of a Town, appointed by the Select men, shall appoint with the adjacent Towns, to go the Bounds betwixt their said Townes and renew their marks; which marks shall be a great heap of stones, or a Trench of six foot long and two foot broad, the most ancient town to give notice of the time and place of meeting for this perambulations; which time shall be in the first or second month, upon pain of five pounds for every Town that shall neglect the same....

Imagine having to find a "great heap of stones" after three New Hampshire winters and spring frost heaves. This perambulation business has never been easy, not to mention the five-pound fine for being neglectful, a healthy sum of money back in the day.

The statute was little changed by 1759, as noted in *Laws of Hampshire, Vol. 3 Province Period 1745-1774*:

...the Bounds of all townships within this province, shall be perambulated betwixt town and town, and marks renewed once in three years by two of the select-men of each town, or any other two men whom the select-men shall appoint; the select-men of the most ancient town to give notice unto the select-men of the next adjacent towns, of the time and place of meeting for such perambulation, six days beforehand; on pain of forfeiting five pounds....

The "great heap of stones" is gone by 1759, probably for obvious reasons, but not the five-pound fine. (See pg. 15 sidebar by Brian Burford for more historical notes.)

Current Practices

Fast-forward to 2010. RSA Chapter 51 still bears a strong similarity to its predecessors. Despite the possibility of a violation for non-compliance with a neighboring community (dating to 1651), there is no penalty imposed on a New Hampshire city or town for failing to initiate a perambulation of its *own* boundaries.

Therein lies the catalyst for the New Hampshire Municipal Association (NHMA) survey on perambulation, organized in conjunction with the New Hampshire State Archives and New Hampshire Surveyors Association. The following questions formed the basis of our survey of key local officials and employees:

- How widespread is voluntary perambulation in accordance with the RSA 51:2 mandate?

- Are details being filed with the State Archives?
- Where, locally, are the records kept?
- Who's in charge of the process?
- What are the impediments to regular, timely perambulation of municipal boundaries?

Data collection dates ran from June 20 to July 20, 2010. The survey was administered by way of an Internet survey tool. Survey invitations were e-mailed to one key official or employee in each of the state's 234 municipalities. In some cases, these original invitations were forwarded to other employees or officials who were deemed to be the more appropriate respondent for this study.

The sample consists of 104 complete and 33 partially complete surveys. The sample of 104 represents 44 percent of the state's municipalities and 49 percent of its population, including nine cities and 95 towns.

The survey began with a simple awareness question: "Are you familiar with the New Hampshire statutes (RSA 51) which describe the perambulation (walking) of municipal boundary lines?" A full 88 percent of the responding municipalities indicated their familiarity with the statutes, with the remainder either unaware or unsure.

Who's in charge of overseeing the perambulation of city and town boundary lines? In most towns, this duty falls to the selectmen, who are statutorily charged with the responsibility unless otherwise delegated. When a city or town manager or administrator is present, this office is also frequently involved. Otherwise, the person or department in charge of perambulation varies from the public works department to the planning department. In only 7 percent of the municipalities surveyed is there no one specifically in charge of perambulation. (See results in sidebar table (<http://www.nhlgc.org/attachments/publications/TownandCity/2010/PerambulationCharts.pdf>).

Next, a trio of survey items asked: Are the whereabouts of your municipality's perambulation records known? Where are these records kept? Are the records available to the public?

A healthy 82 percent indicated that the whereabouts of their perambulation records is known and, of these, at least 95 percent said they are available to the public. The specifics of their whereabouts are detailed in the sidebar table (<http://www.nhlgc.org/attachments/publications/TownandCity/2010/PerambulationCharts.pdf>).

The next pair of survey questions dealt with the heart of the statutory requirements: Within the last seven years, have all, some or none of your municipal boundary lines been walked? Have the details of your most recent perambulation(s) been filed with the New Hampshire Secretary of State or the State Archives?

The following summarizes the total-sample findings from these two questions:

Boundaries Walked?

All 14%

Some 55%

None 19%

Don't Know/Not Sure 13%

Details Filed?

Yes 45%

No 18%

Don't Know/Not Sure 37%

Clearly, the percentage of municipalities in full compliance with RSA Chapter 51 is quite small. There is also a sense from the second finding that the details of the filing requirement may not be well known.

The penultimate question reads: Are you aware of any conflicts or problems with your municipal boundaries? (For example, an abutting city/town may disagree on the precise location of a boundary; or, abutting municipalities may be issuing tax bills for the same parcel due to a boundary line dispute.) Just 5 percent of the responding municipalities indicated any known conflicts or problems with their boundaries.

The survey concluded with this query: "Historically, what have been the impediments or difficulties, if any, related to conducting regular perambulations of your municipal boundary lines?" Although this question was open-ended in nature, the varied responses collapsed neatly into a top-10 list of impediments to perambulation. See results in the sidebar table at right

(<http://www.nhlgc.org/attachments/publications/TownandCity/2010/PerambulationCharts.pdf>).

The first and third categories could probably be combined to form an obvious, #1 response under the general heading of "scheduling difficulties." Considering the number and nature of New Hampshire's topographical challenges, the "terrain/topography" category is perhaps smaller than anticipated. Many of the following verbatim responses to this question are highly illustrative of these top-10 impediments to perambulation.

- Swamp land!!!!
- Finding willing personnel with available time.
- The territory that you have to cross to perambulate our boundaries is very primeval and difficult to walk.
- Finding time between the towns, and trying to get it done in decent weather conditions, as some of our boundaries go through swamps and other water sources.
- Very low priority ... extremely wooded and remote locations.
- Weather ... getting the other towns to find good dates that correlate to our availability ... also, being able to find documentation from previous perambulations to guide us on our way.
- We have contacted the abutting towns to try and do a joint perambulation and have not had any success.

At least one of the top-10 impediments-lack of knowledge-will be addressed at a perambulation-oriented session at the New Hampshire Local Government Center's annual conference. The session will focus on record keeping and filing, along with the use of GPS technology. Panelists will include the state archive records manager and a licensed land surveyor.

Considering the gravity of the impediments, and the lack of enforcement power in the statute, it's somewhat surprising that as many as 14 percent of the surveyed municipalities are completely up-to-date, and that another 55 percent are at least somewhat current.

Rationale for Walking the Line

So, why, after 360 years of semi-dutiful perambulations, are New Hampshire municipalities still required to walk and mark their boundaries every seven years-forever? Wouldn't a hand-held GPS device get the job done more efficiently and accurately? There's little doubt that the GPS coordinates of known, visible boundary markers could be catalogued once and be done, forever. But, what if the marker itself disappears? GPS records may lead us straight to the site of the once-beloved "certain large maple tree." But if the tree was taken out by Hurricane Bob back in 1991, and that line hasn't been walked since, that boundary point is left unmarked and needs to be re-established and re-set.

As recently as 2005, the state legislature entertained a bill (HB 70) that would have repealed the perambulation statute, just as Maine had done two years earlier. But the bill never made it out of the House Municipal and County Committee. Writing for the majority of the committee, Representative Peter Schmidt provided the following rationale for not recommending the perambulation statute's repeal:

This bill would repeal RSA 51:2, relative to required perambulation of the town borders. The committee heard convincing testimony that the maintenance of communities' borders is a vital function, specifically by attending to the condition, position and visibility of marker monuments, with necessary repair or replacement of damaged or lost monuments. This requires perambulation by the selectmen or their designee, not merely some type of GPS involvement. Whether these functions are currently being faithfully executed or dishonored in the breach, elected officials can not neglect or disregard their sworn duty to protect and maintain their towns' borders.

Unbeknownst to most of us who don't own property on town lines, modern-day boundary disputes still arise between abutting landowners, and between landowners and municipalities. Case in point is an ongoing dispute between a land- and homeowner in Middleton, New Hampshire. Or is it Wakefield? That is the question. Whether it's nobler to live in one than the other. And be taxed more highly by one than the other.

As noted in a July 10, 2010, article published by *Foster's Daily Democrat*, the landowner has threatened to sue both towns for "perambulation fraud." That's about as 21st century as a perambulation skeptic could ask for! Said property owner maintains that his house is in

Middleton; but it's Wakefield that taxes him. The reader might conclude that the property owner was intent on proving that his house was in the town with the lower tax rate, but, in this case, the very opposite is true.

A recent survey of the disputed boundary (which is also a county line) showed the line as perfectly straight between two known points. An intermediary marker was physically lost to time, but not to town and property records. The homeowner asserts that if the intermediary marker were taken into account, the boundary line would be bowed or S-shaped, as recorded in historical documents. His house sits in the bow of the line, which clearly places his home in the town of Middleton, not Wakefield.

At last check, the perambulation fraud dispute goes on, as will, undoubtedly, the wisdom of retaining New Hampshire's perambulation statutes.

Chris Porter is a researcher for the New Hampshire Local Government Center and New Hampshire Municipal Association. For more information about this survey, contact Chris at 800.852.3358, ext. 138, or by e-mail (<mailto:cporter@nhlgc.org>). View survey results here (<http://www.nhlgc.org/resources/surveysdata.asp>).

< [Back to Town And City Home \(/TownAndCity\)](#)

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New Hampshire Municipal Association
25 Triangle Park Dr.
Concord, NH 03302
603.224.7447
nhmainfo@nhmunicipal.org (<mailto:nhmainfo@nhmunicipal.org>)
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copy sent
to Middle
12-28-84

John Fournier

3

NOV 29 1984

TOWN OF WAKEFIELD, NEW HAMPSHIRE

Office of Selectmen

POST OFFICE, BOX 279, SANBORNVILLE, N. H. 03872

PERAMBULATION OF MIDDLETON-WAKEFIELD TOWNLINE

October, 1984

Beginning at a stone in the wall marked W.M.M. with a blazed hemlock and a spruce tree which is in southeast corner of Middleton and the Southwest corner of Wakefield on the Milton Town line. Thence North 6 degrees East to a point in the wall where the three walls come together back of the Fifield house (formerly Varney); thence same course along the wall to a buried marker about 10 feet from the corner of the stone wall on the North side of the Middleton-Union road, just beyond the Bosley place (formerly Eaton). Thence same course to a large pinetree in a wall on the West side of the Access Road, then across the Access Road to a small pine tree marked W.M. on the East side of the Access Road, thence same course where line crosses Access Road again to a small Maple Tree with a rock marked W.M.* Thence same course 146 rods to a stone with several small stones on top marked W.M. about 25 feet South of the corner of a stone wall, (this being 372 rods from the Middleton-Union road. Thence same course 233 rods to a large yellow birch on the East side of a small brook with a stone leaned up against it marked W.M. On the west side of the brook a maple tree with a rock at the base of this tree marked W.M. with a "48" cut into the rock; thence same course to a stone in the corner wall and a concrete post at the end of the wall marked W.M.B. which is the Northeast corner of Middleton and the Southeast corner of Brookfield on the Wakefield Town Line. This is in a stone wall on the way down Moose Mountain to the Governor's Road, north of the Gilman Cemetery.

Michael A. Mack

John W. Haver

Gregory P. Richardson

William J. Townsend

Robert J. DeLuca
Selectmen of Middleton, N. H.

William J. Haver
Selectmen of Wakefield, N. H.

* This rock was not found in 1984

PERAMBULATION OF MIDDLETON-WAKEFIELD TOWN LINES

OCTOBER, 1992

Beginning at a stone in the wall marked W.M.M. with a blazed hemlock and a spruce tree which is in the southeast corner of Middleton and the southwest corner of Wakefield on the Milton town line. Thence north 6 degrees east to a point in the wall where the three walls come together back of the Fifield house (formerly Varney); thence same course along the wall to a buried marker (not located in 1992) about 10 feet from the corner of the stone wall on the north side of the Middleton-Union road, just beyond the Bosley place (formerly Eaton). Thence same course to a large pine tree in a wall on the west side of the Access Road, then across the Access Road to a small pine tree marked W.M. on the east side of the Access Road, thence same course where line crosses Access Road again to a small Maple Tree (has a survey stake about 3' high marked with orange) with a rock marked W.M.* Thence same course 146 rods to a stone with several small stones on top marked W.M. about 25 feet south of the corner of a stone wall, (this being 372 rods from the Middleton-Union road. Thence same course 233 rods to a large yellow birch on the east side of a small brook with a stone leaned up against it marked W.M. On the west side of the brook, a maple tree with a rock at the base of this tree marked W.M. with a "48" cut into the rock; thence same course to a stone in the corner wall and a concrete post at the end of the wall marked W.M.B. which is the northeast corner of Middleton and the southeast corner of Brookfield on the Wakefield town line. This is in a stone wall on the way down Moose Mountain to the Governor's Road, north of the Gilman Cemetery.

Keith F. Mitchell
Art. Giff

Selectmen of Middleton, N.H.

Christopher M. Bamford
John Fisher
Carl of Dodds

Selectmen of Wakefield, N.H.

*This rock up for found in 1992

PERAMBULATION OF THE MIDDLETON – WAKEFIELD TOWN LINES

SEPTEMBER 2009

Beginning at a STONE IN THE WALL MARKED W.M.M. with a blazed hemlock and a spruce tree which is in the southeast corner of Middleton and the southwest corner of Wakefield on the Milton town line;

[approximate coordinates N 43° 28' 55" W 71° 01' 28"]

thence north 6° east to a POINT IN THE WALL where three walls come together back of the Loring house; Note that a rebar and cap has been set at, or near the intersection of the 3 walls.

[approximate coordinates N 43° 29' 14" W 71° 01' 32"]

thence same course along the wall to a buried marker about 10 feet from the corner of the stone wall on the north side of the Middleton-Union road, just beyond [North] the Fournier place;

[approximate coordinates N 43° 29.7000' W 71° 01.6868']

thence same course to a LARGE [36"] PINE TREE in a wall on the west side of the Access Road;

[approximate coordinates N 43° 29.8874' W 71° 01.7105']

thence across the Access Road to a SMALL [18"] PINE TREE marked W.M. on the east side of the Access Road;

[approximate coordinates N 43° 29.9123' W 71° 01.7194']

thence same course where line crosses Access Road again to a SMALL [8"] MAPLE TREE [HAS A 3 FOOT HIGH SURVEY MARKER POST AND A ROCK MARKED W.M.];

[approximate coordinates N 43° 30.2889' W 71° 01.8184']

thence same course 146 rods to a STONE WITH SEVERAL SMALL STONES ON TOP MARKED W.M. about 25 feet south of the corner of a stone wall. This being 372 rods from the Middleton-Union road;

[approximate coordinates N 43° 30.6179' W 71° 01.9203']

thence same course 233 rods to a LARGE YELLOW BIRCH WITH A STONE LEANING AGAINST IT MARKED W.M. on the east side of a small brook;


[approximate coordinates N 43° 31.2504' W 71° 02.1061']

on the west side of the brook a MAPLE TREE WITH A ROCK AT THE BASE MARKED W.M. WITH A "48" CUT INTO THE ROCK;

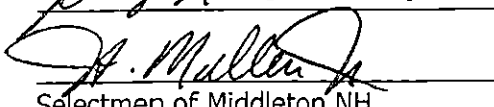
[not located]

thence same course to a STONE IN THE CORNER AND A CONCRETE POST MARKED W.M.B. which is the northeast corner of Middleton and the southeast corner of


Brookfield on the Wakefield town line. This is in a stone wall on the way down Moose Mountain to the Governor's Road north of the Gilman Cemetery;
[approximate coordinates N 43° 31.5997' W 71° 02.2132']




Tom H. Seward



J. Muller Jr.
Selectmen of Middleton NH



John J. Blackwood



W. H. ...
Selectmen of Wakefield NH

TITLE III

TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

CHAPTER 51

TOWN LINES AND PERAMBULATION OF BOUNDARIES

Section 51:1

51:1 On Connecticut River. – The northerly and southerly lines of towns adjoining Connecticut river are continued and extended across the river to the westerly line of the state, and the west line of the state is the western boundary of such towns.

Source. RS 37:1. CS 39:1. GS 47:1. GL 51:1. PS 52:1. PL 56:1. RL 69:1.

Section 51:2

51:2 Perambulation of Town Lines. – The lines between the towns in this state shall be perambulated, and the marks and bounds renewed, once in every 7 years forever, by the selectmen of the towns, or by such persons as they shall in writing appoint for that purpose.

Source. RS 37:2. CS 39:2. GS 47:2. GL 51:2. PS 52:2. PL 56:2. RL 69:6.

Section 51:3

51:3 Additional Perambulation. – If the selectmen of any town deem it necessary that the town lines be perambulated or any marks and bounds renewed at other times than at the regular perambulation provided for by RSA 51:2 they may give notice to the selectmen of the town adjoining and the procedure for said perambulation or renewing of bounds shall be the same as that provided in RSA 51:2, 4-7.

Source. 1935, 38:1. RL 69:7.

Section 51:4

51:4 Return. – A return of the perambulation shall be made, particularly describing the courses and distances and the marks and monuments of such line, which shall be signed by the selectmen or persons making the same, recorded in the respective town books, and filed with the secretary of state.

Source. RS 37:3. CS 39:3. GS 47:3. GL 51:3. PS 52:3. PL 56:3. RL 69:8. RSA 51:4. 1969, 67:1, eff. June 13, 1969.

Section 51:5

51:5 Notice. – The selectmen of the town first incorporated, or, if both were incorporated on the same day, of the town which is highest in the proportion of public taxes, shall give to the selectmen of the town

adjoining notice of the time and place of meeting for such perambulation 10 days before the day of meeting.

Source. RS 37:4. CS 39:4. GS 47:4. GL 51:4. PS 52:4. PL 56:4. RL 69:9.

Section 51:6

51:6 Penalty for Selectmen's Neglect to Give Notice or Attend. – If the selectmen whose duty it is to give such notice shall neglect to notify as aforesaid, or shall neglect to attend agreeably to such notice, or if the selectmen of any town, after being duly notified, shall neglect to attend, or if any selectman shall neglect to cause a return of such perambulation to be made and recorded as aforesaid, each selectman so neglecting shall be guilty of a violation. Any fines collected shall be distributed with 1/2 for the use of the town whose selectmen have done their duty, and the other half to the use of the county.

Source. RS 37:5. CS 39:5. GS 47:5. GL 51:5. PS 52:5. PL 56:5. RL 69:10. RSA 51:6. 1973, 531:15, eff. Oct. 31, 1973 at 11:59 p.m.

Section 51:7

51:7 Disagreement. –

I. When the selectmen of adjoining towns shall disagree in renewing and establishing the lines and bounds of such towns, the superior court for the county in which the town first incorporated or paying the highest tax as aforesaid is situate, upon petition and after notice to the other towns interested, shall, either examine said disputed lines or appoint a committee for that purpose, and the court's decision thereon shall be final; and the court may order either or both towns to pay the costs, as deemed just.

II. For a dispute as to the actual location of a town line arising in a matter on appeal before the board of tax and land appeals pursuant to RSA 76:16-a, the board of tax and land appeals shall have concurrent jurisdiction with the superior court and shall have the authority granted the superior court in paragraph I.

Source. RS 37:6. CS 39:6. GS 47:6. GL 51:6. PS 52:6. PL 56:6. RL 69:11. 1951, 221:5. 1998, 344:1, eff. Aug. 25, 1998.

Section 51:8

51:8 By County Commissioners. – When the place next to any town has no organization and is on the line of adjoining counties, the county commissioners of the county in which the place is situated shall be empowered to act in the perambulation of the line between the county and town, and shall be notified and proceed in the same manner and subject to the same liabilities as the selectmen of towns.

Source. 1881, 61:1. PS 52:7. PL 56:7. RL 69:12.

Section 51:9

51:9 Alteration of Town Lines. – No portion of the territory of any town or city shall be united with another town or city unless the legislative enactment providing for such union shall be ratified by 2/3 of the voters of each town or city affected, present and voting by ballot at the regular annual or biennial meeting for the election of town or city officers held next after the passage of such act.

Source. 1903, 99:1, 2. PL 56:8. RL 69:13.

TITLE XLVII BOUNDARIES, FENCES AND COMMON FIELDS

CHAPTER 472 BOUNDARY LINES

Section 472:5

472:5 Permanent Magnetic Stations and True Meridian Lines Established. – For the purpose of providing accuracy in land surveys, the commissioner of transportation shall be charged with the responsibility of cooperating with any agencies of the federal government engaged in studies of the earth's magnetism to the end of establishing true meridian lines at one or more suitable places in each county, and shall maintain in his office a list of all magnetic stations and true meridian lines established by such agencies in New Hampshire and shall furnish a copy of such list upon request.

Source. 1951, 158:1. 2004, 257:33, eff. June 15, 2004.

TITLE III

TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

CHAPTER 31

POWERS AND DUTIES OF TOWNS

Miscellaneous

Section 31:95-a

31:95-a Tax Maps. –

I. Every city and town shall, prior to January 1, 1980, have a tax map, so-called, drawn. Each tax map shall:

(a) Show the boundary lines of each parcel of land in the city or town and shall be properly indexed.

(b) Accurately represent the physical location of each parcel of land in the city or town.

(c) Show on each parcel of land the road or water frontage thereof.

II. (a) The scale on a tax map shall be meaningful and adequately represent the land contained on the map, taking into consideration the urban or rural character of the land. The scale shall be sufficient to allow the naming and numbering of, and the placement of dimensions within, if possible, the parcel represented in the individual plat.

(b) Nothing in this paragraph shall apply to any city or town which, prior to the imposition of such scale requirements, has drawn a tax map, appropriated funds or contracted with any person or firm to prepare a tax map or expended funds in the initial phase of preparing a tax map.

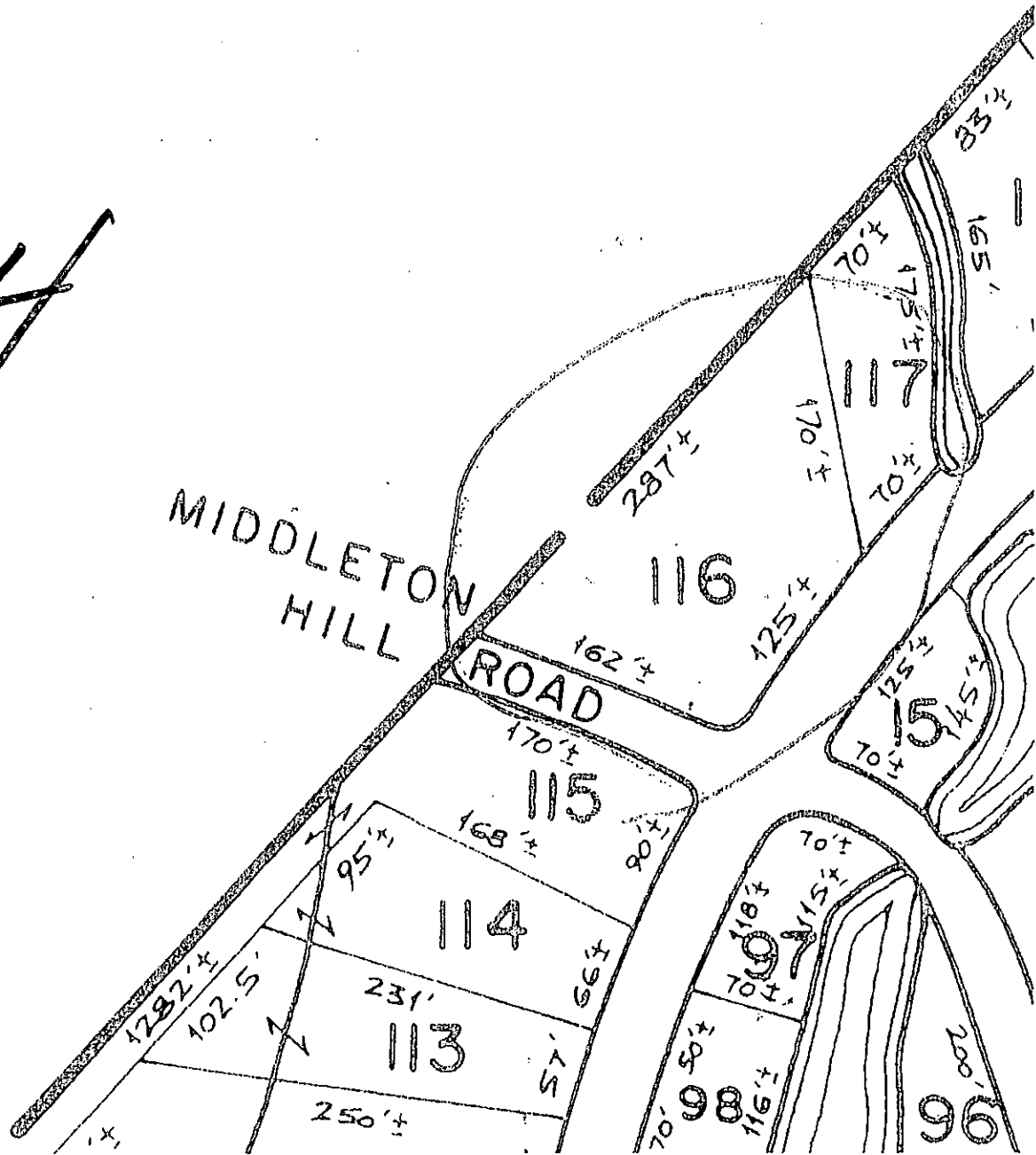
III. Each parcel shall be identified by a map and parcel number and shall be indexed alphabetically by owner's name and numerically by parcel number.

IV. Tax maps shall be updated at least annually to indicate ownership and parcel size changes.

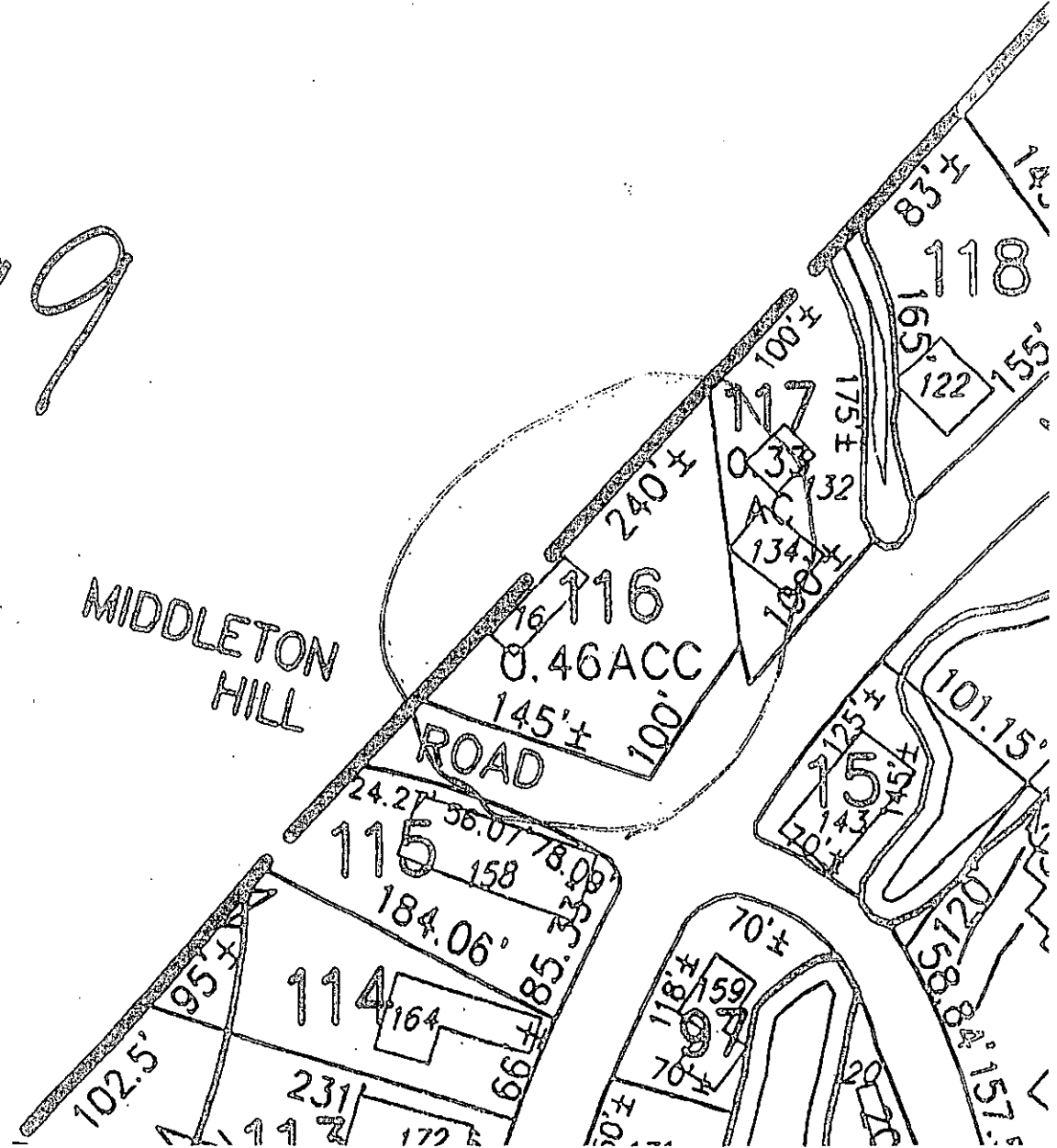
V. Each tax map shall be open to public inspection in a city or town office during regular business hours.

Source. 1971, 426:1. 1975, 402:1, eff. Aug. 15, 1975. 2004, 203:10, eff. June 11, 2004.

1984

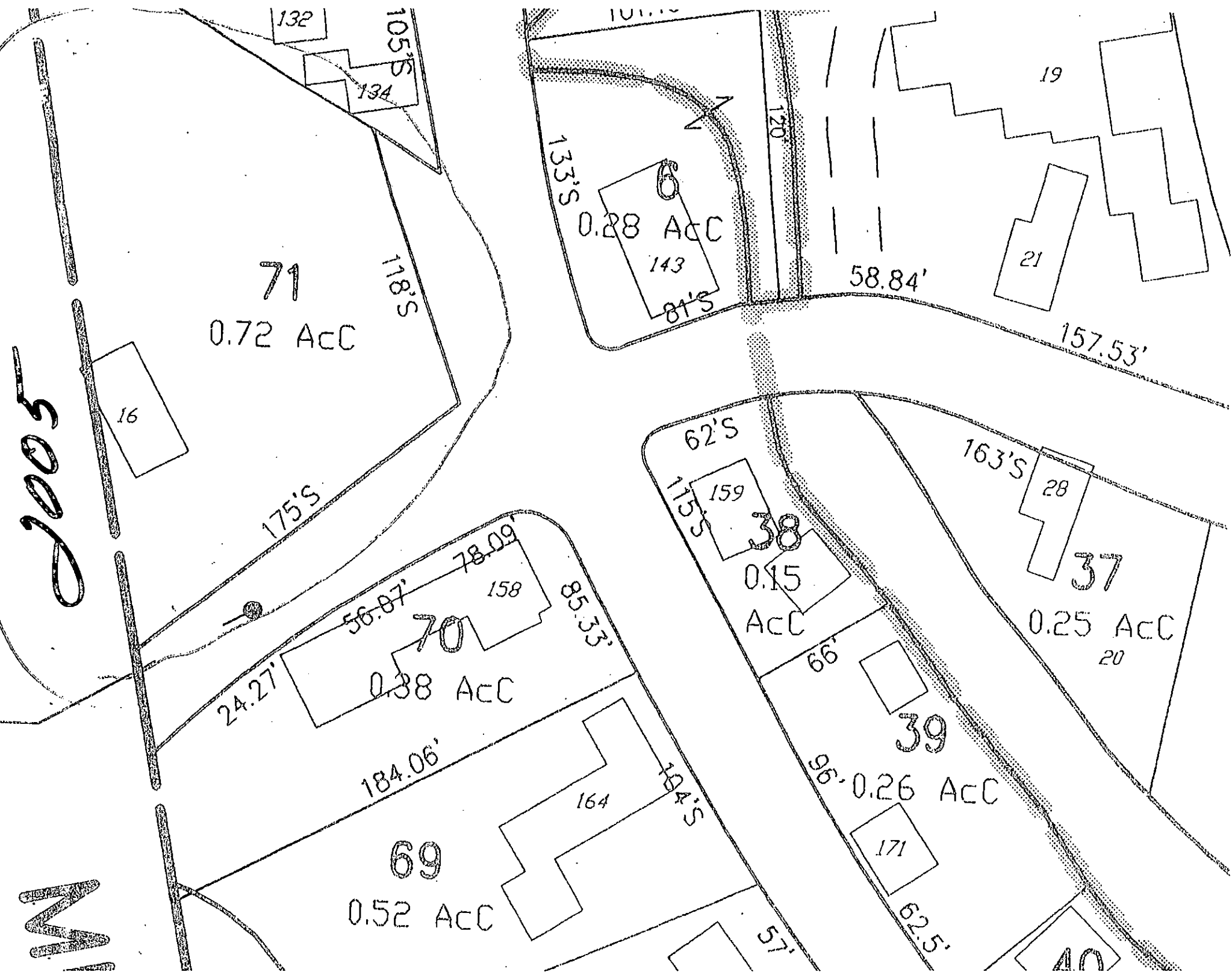


1999



2005

W



Cartographic Associates, Inc.

PROFESSIONAL GIS CONSULTANTS

MUNICIPAL MAPPING · GIS · PUBLIC WORKS INFORMATION MANAGEMENT™

11 PLEASANT STREET, LITTLETON, NEW HAMPSHIRE 03561

(603) 444-6768 · 1-(800) 322-4540 · FAX (603) 444-1366

WWW.CAI-INFO.COM

June 13, 2005

FOURNIER, JOHN E
PO BOX 292
UNION, NH 03887

RE: Town Property Maps for the Town of WAKEFIELD, NH

Dear Sir/Madam:

Cartographic Associates, Inc. has been contracted by the town to prepare an accurate map showing the location, boundary lines, and area of each parcel of land in Town. After preliminary research, we have not been able to acquire the information necessary to confirm the boundary lines of the property assessed to you.

We would appreciate any input you can offer -- such as a survey, a sketch, a list of current abutters, or a written description of the physical evidence indicating your property lines. Please use the reverse side of this letter to provide us with any other information regarding the lots listed and assessed to you as follows:

.46 Acres on Middleton Hill Road.

Your assistance and cooperation will assure the Town of the most accurate and meaningful map possible. Also, it is to your advantage that your property be correctly delineated on the Town Map. We thank you very much for your interest and assistance. Please return this letter with your reply.

Sincerely,



ANTHONY EGIZI, PROJECT MAPPER

Prelim. M/L: 241-65

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ADDITIONAL SERVICES

DATA COLLECTION & CONVERSION · GPS DATA · SCANNING · DIGITIZING

REPRODUCTION · MAP MAINTENANCE · RECORD RESEARCH · HOUSE NUMBERING

All data provided by the TOWN under this section shall be current to April 1, 2004.

2.2 CAI

CAI is responsible for fulfilling all requirements stated in these specifications in a timely fashion and in a professional and satisfactory manner.

SECTION 3 - AERIAL PHOTOGRAPHY

New, custom, vertical aerial photography shall be flown in the Spring of 2004 and shall adhere to the following specifications:

- 3.1 Area of Coverage shall be the legal limits of the TOWN. Complete stereoscopic aerial photographic coverage shall also include an area of two hundred feet (200') beyond the exterior perimeter of the TOWN boundary lines.
- 3.2 Aircraft to be used shall be maintained and operated in accordance with regulations of the Federal Aviation Administration and operated by a well-trained and experienced crew.
- 3.3 Aerial photography shall be taken at a negative scale of 1"= 1000' for the entire. Altitude may not vary more than 5% from the required altitude above mean ground to achieve the specified scale of photography.
- 3.4 Photographs must be taken without the detrimental obscuring effects of snow cover, tree foliage, flood waters, clouds, haze or long shadows.
- 3.5 Flight lines shall be CAI's responsibility. They shall be plotted and adhered to so as to provide universally accepted stereo photographic coverage. (60 percent forward or end lap: 30-40 percent side lap are required).
- 3.6 Crab and tilt shall be within reasonable tolerances. Crab shall not exceed 3 degrees and tilt shall not exceed 4 degrees.

CARTOGRAPHIC ASSOCIATES, INC.

PROFESSIONAL GIS CONSULTANTS

MUNICIPAL MAPPING • GIS • PUBLIC WORKS INFORMATION MANAGEMENT™
11 PLEASANT STREET, LITTLETON, NEW HAMPSHIRE 03561
(603) 444-6768 • 1-(800) 322-4540 • FAX (603) 444-1366
WWW.CAI-INFO.COM

March 2, 2009

Mr. John Fournier
P.O. Box 292
Union, NH 03887

Dear Mr. Fournier:

I am in receipt of your Tax Map Correction Form, received here via fax on February 26, 2009. You have requested GPS readings or factors used in determining the town line location between Wakefield and Middleton. Also, all readings used to determine the perimeter of the Town as provided by Section 3.1 of our proposal to the Town of Wakefield.

There were no GPS readings used to determine the location of the town line for the parcel mapping project. Surveying, or GPS'ing the town lines were not part of the scope of the project. We compiled all information that we were able to locate through our extensive record research. We then utilized what we believed to be the most reliable data, primarily existing surveys of parcels lying along the town lines, and connected them.

With regards to the readings provided by Section 3.1 of our proposal to the Town of Wakefield, that Section refers to the aerial photography phase of the project only. We would have used whatever information we have available to roughly determine the area of photographic coverage that we needed to capture.

Worthy of noting is that the maps that you printed from the Wakefield MapsOnline Website might be a source for some of the confusion. The heavy dashed line on the map is the location of the town line based on our mapping efforts and is approximately 175' from the intersection of the roads. I am not sure what is the reason that the data is cut off to the interior side of our town line but it appears that the line that you are using to scale to and why you come up with less than the 175'.

Sincerely,



Donald F. Butson
President

DFB/daf

Cc: Wakefield Board of Selectmen
Ms. Cindy Bickford, Assessors Clerk



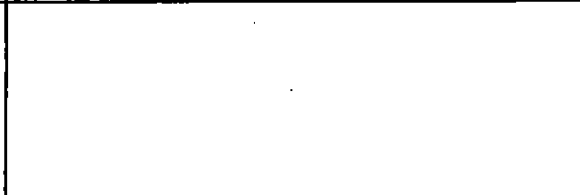
OWNER INFORMATION **SALES HISTORY** **PICTURE**

FOURNIER, JOHN E

PO BOX 292

UNION, NH 03887

Date	Book	Page	Type	Price	Grantor
05/17/1999	1806	795	Q1	68,900	TINKER, RICHARD & MARG



LISTING HISTORY

01/29/09	BJLX
04/19/07	BJLX
09/30/04	BJLX
10/19/99	NOH
02/04/94	BOA

NOTES

WHT,MODULAR,NO INSIDE ENTRANCE TO BMU,INT=NICE,BM=CONCRETE FLR,CONCRETE FNDTN 9/04 NOH BJL(OLDPID:000001 000116 000000) 4/07 DEK 100% BJL 1/09 NOH BJL

EXTRA FEATURES VALUATION

Feature Type	Units	Lngh x Width	Size Adj	Rate	Cond	Market Value	Notes

MUNICIPAL SOFTWARE BY AVITAR

WAKEFIELD ASSESSING OFFICE

PARCEL TOTAL/TAXABLE VALUE

Year	Building	Features	Land
2012	\$ 66,200	\$ 0	\$ 53,200
Parcel Total: \$ 119,400			
2013	\$ 65,500	\$ 0	\$ 48,200
Parcel Total: \$ 113,700			
2014	\$ 65,500	\$ 0	\$ 48,200
Parcel Total: \$ 113,700			

LAND VALUATION

Zone:	Minimum Acreage:	Minimum Frontage:	Site:	Driveway:	Road:									
B&CBUSS & COMM	0.50	100												
Land Type	Units	Base Rate	NC	Adj	Site	Road	DWay	Topography	Cond	Ad Valorem	SPI	R	Tax Value	Notes
IF RES	0.500 ac	47,500	E	100	100	100	100		100	47,500	0	N	47,500	
IF RES	0.220 ac	x 3,000	X	100					100	700	0	N	700	
	0.720 ac									48,200			48,200	

May 4, 2010

008-042
File Copy

John A. & Carol Fournier
PO Box 292
Union, NH 03887

Dear Mr. & Mrs. Fournier

Your request for a 2009 tax year abatement on your property (Map 18 Lot 42) has been reviewed by our Assessing company and denied. The basis for this decision is stated in the copy of the signed Disposition of Abatement Application and the more descriptive Abatement Recommendation (enclosed).

If you do not agree with this decision, you may file an appeal either at the BTLA (RSA 76:16-a) or in superior court (RSA 76:17), but not both. An appeal must be filed no later than September 1, 2010.

For your convenience I have also enclosed a copy of your current Property Card.

If you have further questions or concerns, please contact me. Mail can be sent to the Town Offices (attn: Assessing) at the above address. The assessing phone number is (603) 473-5208. I am normally in the office on Tuesdays.

Sincerely,

Pamela Peper Frazier
Assessor Clerk

This letter was sent to
John on town letterhead
in 2010
along w/ disposition
& Avitais explanation

DISPOSITION OF ABATEMENT APPLICATION*

*RSA 76:16 II states: The Municipality "shall review the application and grant or deny the application in writing by July 1st following the notice of tax."

Abatement request: GRANTED _____ DENIED XX

2009 Assessment: \$13,500 Revised Assessments: unchanged.

Name: CAROL & JOHN A. FOURNIER

Mailing Address: PO Box 292 Union, NH 03887

Parcel to be Abated: Map 18 Lot 42

Date Taxes Paid: N/A

Have all outstanding taxes been paid on all accounts? N/A
If not, which accounts?

RSA 76:17-d The Selectmen or Assessors may apply all or a portion of the amount of any taxes abated, along with interest computed according to this chapter, to any outstanding taxes owed by the taxpayer to the municipality. Taxes shall be considered outstanding if they are subject to interest pursuant to RSA 76:13, The selectmen or assessors shall send notice to the taxpayer of the amount credited against outstanding taxes and the date the credit was recorded.

Remarks/Reason for abatement application: Incorrect measurement and description of property.

Assessor Recommendation: Document provided (attachment A) does not provide insight as to actual acreage of Middleton property. Must assume town records are accurate until proven otherwise.

Amount of Refund: \$0.00

Date: May 10, 2010

Signatures of Selectmen:

Roger Mains [Signature] 5/3/2010
Signature Date

J.A. Mullen [Signature] 5/9/2010
Signature Date

Todd LaPierre [Signature] 5/3/2010
Signature Date

Abatement Recommendation

Fournier

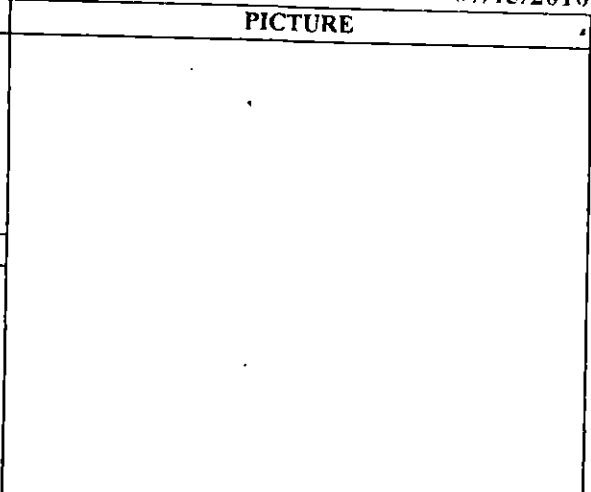
Map 18 Lot 42

Route 153

The taxpayer's have filed for abatement on this 3 acre vacant parcel assessed for \$13,500. They state there exists an incorrect description and measurement of the property. Registered survey on file and to see attachment A. The attachment is a document from Gerald Miller discussing the Town Line between Middleton and Wakefield. It is not a survey, nor does it provide any insight into the actual acreage of the property. As such, it is assumed the Town records are accurate until proven otherwise and I recommend the abatement request be denied.

OWNER INFORMATION
 FOURNIER, CAROL
 FOURNIER, JOHN A.
 PO BOX 292
 UNION, NH 03887

SALES HISTORY						
Date	Book	Page	Type	Price	Grantor	
04/16/2004	2994	0320	UI 38		FOURNIER, JOHN A.	
09/10/1999	2140	0381	UI 14	45,933	TINKER,	



LISTING HISTORY
 07/29/08 LMUL

NOTES
 HOUSE IN WAKEFIELD LOOKS LOW AND WET;

EXTRA FEATURES VALUATION						
Feature Type	Units	Lngh x Width	Size Adj	Rate	Cond	Market Value Notes

MUNICIPAL SOFTWARE BY AVITAR

MIDDLETON ASSESSING OFFICE

VALUE SUMMARY (BASE YEAR 2009)

	2009	2010
Building:	\$ 0	\$ 0
Features:	\$ 0	\$ 0
Land:	\$ 13,500	\$ 13,500
PARCEL TOTAL		
	\$ 13,500	\$ 13,500

LAND VALUATION

Zone: RURAL RESIDENTIAL Minimum Acreage: 5.00 Minimum Frontage: 200

Land Type	Units	Base Rate	NC	Adj	Site	Road	DWay	Topography	Cond	Site:		Driveway:		Road:
										Ad Valorem	SPI	R	Tax Value	
IF RES	3.000 ac	54,000	E	100	100	100	100		25	13,500	0	N	13,500	UND/WET
	3.000 ac									13,500			13,500	

GERALD H. MILLER

Licensed Land Surveyor
Certified Wetland Scientist
Septic System Designer

31 Ashbrook Drive
Hampton, NH 03842-1002

Phone (603) 926-8570
ghmiller@rcn.com

Pam Frazier, Assessing Clerk
Town of Middleton
182 Kings Highway
Middleton, NH 03887

February 20, 2012

Dear Ms. Frazier,

John Fournier wanted me to contact you regarding an opinion he says that you have given him, which is the basis on the denial dated May 4, 2010 you sent me a copy of, that Avitar Associates of New England, Inc. has indicated to you that the Plat for Recording Only (original plan dated May 25, 2009 and recorded on May 26, 2009 in the Strafford County Registry of Deeds as plan #97-011, and a subsequent revised plan dated September 23, 2009 and recorded on September 24, 2009 as plan #97-074 which showed additional information, and revised plan dated October 5, 2009 recorded on October 6, 2009 as plan #97-080 to correct a notation on plan #97-074) that I did for him is not a survey, and that there is insufficient data to determine the actual acreage and his residency in Middleton. Unless somehow they and you are looking and reviewing instead at a drawing that I had done for Mr. Fournier dated October 19, 2009 that may be in circulation which is not a survey of record but instead a drawing to show Mr. Fournier an interpretation of the deviation error to the historical perambulated Town Line compared to the most recent perambulation.

From what authority does Avitar Associates of New England, Inc. make such a statement about my plats being not a survey? Also, I'm not aware that anyone but the Registrar is authorized to make a determination as to what surveys can be recorded based on the "Plat Law". I also do not understand the inability to interpret the acreage or residency based on the recorded SCRD plan #97-080 survey other than to question that is someone reviewing it not able to understand what they are looking at?

To clarify according to law, the recording of plats of existing lots is governed by NH RSA 478:1-a.I.(b) and is generally referred to as the "Plat Law". A "plat" is defined as a map of a specific land area whose boundaries are defined by metes and bounds. Recording a plat that is for recording only to show an existing lot is governed by NH RSA 676:18 Register of Deeds under that law.

The following is the "Plat Law" statute TITLE LXIV CONVEYANCES AND MORTGAGES OF REALTY CHAPTER 478 REGISTERS OF DEEDS Section 478:1-a;

478:1-a Recording of Plats. –

I. No register of deeds shall file or record a plat of a subdivision, or a plat prepared for the purpose of showing existing property lines, if such plat has not been prepared and certified by a licensed land surveyor, since July 1, 1981, or by a registered land surveyor between January 1, 1970 and June 30, 1981, and any such filing or recording shall be void. For the purposes of this section the definition of the word "subdivision" shall be that contained in RSA 672:14. A "plat" for the purpose of this section shall be a map of a specific land area whose boundaries are defined by metes and bounds. A plat may show:

- (a) Newly created parcels, streets, alleys, and easements as in a subdivision; or
- (b) A lot-line-adjustment or site plan depicting existing parcels defined by legal descriptions contained in deeds, grants, or other legal documents.

The following is the law for recording of plats of existing lots by the Register of Deeds based on statute TITLE LXIV PLANNING AND ZONING Section 676:18.II;

676:18 Register of Deeds. –

II. Notwithstanding the provisions of paragraph I, the register of deeds shall accept for recording a plat prepared and certified by a licensed land surveyor or by a former registered land surveyor if such plat bears a certificate by a licensed or registered land surveyor that this survey plat is not a subdivision pursuant to this title and that the lines of streets and ways shown are those of public or private streets or ways already established and that no new ways are shown. The recording of any such plat shall not relieve any owner from compliance with the provisions of this chapter.

Finally, the following is the law for changing the location of a Town Line based on statute TITLE III TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES for CHAPTER 51 TOWN LINES AND PERAMBULATION OF BOUNDARIES Section 51:9;

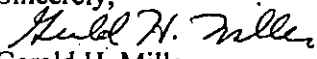
51:9 Alteration of Town Lines. – No portion of the territory of any town or city shall be united with another town or city unless the legislative enactment providing for such union shall be ratified by 2/3 of the voters of each town or city affected, present and voting by ballot at the regular annual or biennial meeting for the election of town or city officers held next after the passage of such act.

Based on my survey, the Town Line historically perambulated and surveyed by me passes approximately 10' to the east of the nearest corner of dwelling of Mr. Fournier putting his residence in Middleton. It is only the most recent perambulation that was done after I had recorded my original plan dated May 25, 2009 and recorded on May 26, 2009 in the Strafford County Registry of Deeds as plan #97-11, that has deviated from the historically perambulated line and jogs so that it passes westerly of his dwelling, which if that change were legally authorized would put his residence in Wakefield. As far as I can tell, this jog was made and only agreed to by the Selectmen doing the most recent perambulation. I don't find any vote that was made by the State Legislature or the two Towns in accordance with RSA 51-9 "Alteration of Town Lines" that authorized the Selectmen to make that deviation. An error in a perambulation does not change the Town Line.

In conclusion, the recorded plat SCRD #97-080 clearly states that it is based on an actual field survey and has the appropriate certification required by RSA 676:18.II, showing the metes and bounds of the entire parcel in question in accordance with NH RSA 478:1-a.I.(b), the metes and bounds of the Town Line (shown as a solid line 10' more or less easterly from the nearest corner of the house in Middleton as surveyed by me from town bound to town bound), and shows the total area of the entire parcel as 3.25 acres more or less. The plat also breaks down and notes the area that falls within Wakefield being 0.43 acres more or less, and the area that falls within Middleton being 2.82 acres more or less.

I hope I have been able to clear up any miscommunication between Avitar Associates of New England, Inc. and yourself in regards to the validity of a survey plat for recording only and the issue as to where the house Mr. Fournier resides in is located.

Sincerely,


Gerald H. Miller
Licensed Land Surveyor

Cc: John Fournier

OWNER INFORMATION	SALES HISTORY	PICTURE																		
FOURNIER, CAROL FOURNIER, JOHN A. PO BOX 292 UNION, NH 03887	<table border="1"> <thead> <tr> <th>Date</th> <th>Book</th> <th>Page</th> <th>Type</th> <th>Price</th> <th>Grantor</th> </tr> </thead> <tbody> <tr> <td>04/16/2004</td> <td>2994</td> <td>0320</td> <td>UI 38</td> <td></td> <td>FOURNIER, JOHN A.</td> </tr> <tr> <td>09/10/1999</td> <td>2140</td> <td>0381</td> <td>UI 14</td> <td>45,933</td> <td>TINKER,</td> </tr> </tbody> </table>	Date	Book	Page	Type	Price	Grantor	04/16/2004	2994	0320	UI 38		FOURNIER, JOHN A.	09/10/1999	2140	0381	UI 14	45,933	TINKER,	
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04/18/12 LMAR 07/29/08 LMUL	HOUSE IN WAKEFIELD LOOKS LOW AND WET; 4/12 REDUCE LAND IN MIDDLETON FROM 3AC ->2.53;CK 12 FOR AMT OF WET/UN-USEABLE LAND																			

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LAND VALUATION														
Zone: RURAL RESIDENTIAL		Minimum Acreage: 5.00		Minimum Frontage: 200		Site: UND/WDS Driveway: UNDEVELOPED Road: PAVED								
Land Type	Units	Base Rate	NC	Adj	Site	Road	DWay	Topography	Cond	Ad Valorem	SPI	R	Tax Value	Notes
IF RES	2.530 ac	53,060	E	100	70	100	90	95 -- MILD	10	3,200	0	N	3,200	XCS ONLY
	2.530 ac									3,200			3,200	

GERALD H. MILLER

Licensed Land Surveyor
Certified Wetland Scientist
Septic System Designer

31 Ashbrook Drive
Hampton, NH 03842-1002

Phone (603) 926-8570

Fax (603) 926-8570

ghmiller@rcn.com

1 of 4

Report of Survey as of May 11, 2009

Project ID.:

16 Middleton Hill Road, Union, NH

Owner:

Carol and John Fournier
P.O. Box 292
Union, NH 03887

Scope of Work:

Boundary survey of property located at 16 Middleton Hill Road, Union (Wakefield-Middleton), Locate Wakefield-Middleton Town Line



Multiple Town Lines between Middlton and Wakefield through Land of Fournier
(end to end straight line on the left and bound to bound bowed line on the right)

I was contacted by John Fournier in September of 2008 with the inquiry to locate his house in relation to where the town line passed through his property. At that point, I reviewed the location of the property and did some initial research at NHDOT and the Town of Middleton. In March of 2009, I again was contacted and asked to proceed with a Boundary Survey and a location of the Wakefield-Middleton Town Line.

I have researched records in the State Archives, NHDOT, Town of Middleton, Town of Wakefield, Libraries, both public and private, photographs and aerials, and interviewed individuals that I have been told may have some personal memories of the missing bound (TB3) for the town line that locates where it passes through the property.

I did a time line of all the Perambulations that I have found. The perambulations that I have found start December 2, 1793 with all boundary markers being trees. As time progressed, most of the old marked trees were replaced by marked stones and stone walls. Since the Perambulation that was done October 27, 1899, I have only found three Perambulations recorded. The first was 35 years later on November 8, 1934. The next 50 years later October, 1984. The last one done 8 years later in October, 1992. None have been done for the last 17 years. Refer to my Perambulation Time Line from Town of Wakefield Town Records.

I next did a search and recovery GPS survey with a Magellan GPS315 with approximate 10 meter accuracy based on trying to locate enough of the bound to bound monuments called for in all the perambulations to be able to know where the town line was laid out. I was able to locate most of the monuments called for, including one that had dropped from the description, but not some that were in the description. Most importantly, the missing town bound 3 (TB3). In order to have a more accurate location, I returned to most of these monuments with the help of H. E. Bergeron Engineers on April 13, 2009 with static and RTK observations with Leica Dual-Frequency SR530 Receivers and Leica TCR 1203+ Robotic Total Station with submeter accuracy. I next did a boundary survey of the property tied into the GPS datum. The property corners are mostly bounded. The only exception, being the lot corner at the area taken by the state for Main Street and where it intersects with the sideline of the adjacent property owned by Martha Beaudoin. This line supposedly is along the fence line, but the fence line basically disappears around where a granite stone post is located on what appears to be the old town line, and yard improvements over the line from there to the road. A straight line projection of the fence line still existing would put this missing corner approximately 8.42' from the existing New Hampshire Highway Bound (NHHB). The rest of the property is bounded by stone walls, Middleton Hill Road (RTE 153) and Main Street (RTE 153 and 125). Refer to my Plat for Recording Only for 16 Middleton Hill Road.

Based on my research and comparison with my field surveys, I have come to the point where there are multiple lines that I found defining where the Town Line passes through the property depending on which time period, 1800's or the 1900's. This is because the town bounds (TB3) that have historically been perambulated to until recently are missing. I refer to these bounds as TB3 OLD and TB3 NEW. Refer to my Plat for Recording Only for 16 Middleton Hill Road.

The town bound (TB3 OLD) that was originally called for in the August 27, 1829 Perambulation to be a stone marked WM on the South side of Middleton Hill Road (RTE 153) at the Westerly side of the bars formerly of Mr. Page's or subsequently in the October 16, 1843 Perambulation Mr. Levi Hannaford's property, now owned by Beaulieu. This wall and bars has been removed. The exact location cannot be

determined, but it appears that it may have been near the end of the current building. There is evidence that there was a door, now boarded in, in the Northerly side of the barn at one time for access to Middleton Hill Road which would typically put the bars near the Westerly end of the barn. Widening of the road and change of mode of travel, resulting in the conversion of the barn into a garage, end loaded on the Westerly end of the barn, and moving the driveway access from the road has wiped out any remaining physical evidence. Coincidentally, a bound at this location would mean that the town line would pass through the stone bound found in the fence line along the Northerly property line of the Fournier's.

The description in the Perambulation records for TB3 OLD start becoming vague and disappears in the October 9, 1871 Perambulation. In the October 27, 1899 Perambulation it became referred to as a stone on the Northerly side of Middleton Road, which may have been a Scribner's error. No Perambulations were entered into the town records until November 8, 1934 when the town bound (TB3 NEW) refers to a concrete monument that had been set (buried) on the North side of the road in front of Garage of M. H. Eaton and then another 50 years to the next recorded Perambulation in October of 1984 subsequently described this as a buried marker being about 10 feet from the corner of a stone wall just beyond the Bosley place. The Eaton or Bosley place burned down in 1984 and the exact location cannot be determined, but a plan done by NHDOT for the most recent road widening of RTE 153 indicates where the old driveway and a possible wall corner existed at the time. Coincidentally, this location is approximately on line with the projection of the town line located in the description of the deed on the Southerly side of Middleton Road now owned by Beaulieu, formerly of Levi Hannaford. This also puts the location underneath the current paved portion of the most recent widening of the road. The NHDOT plan did not indicate it has being found prior to construction and I was unable to detect any magnetic remains. Without digging up the road pavement and base, I believe it probable that the removal of the old stone wall, an underground tank, and the widening and construction of the new road base have destroyed any remains that would have been there.

The difference in the location of the town line between the South side and the North side bounds moves the line approximately 20 feet Westerly with the new bound. The location of the line to the house using the Northerly side of the road bound causes approximately 0.3' of the Southeast corner of the house and a portion of the ramp to the front door to be located in Wakefield and the remainder in Middleton. The location of the line to the house using the Southerly side of the road bound is about 19' to the corner of the house and only the septic system is located in Wakefield, and the rest in Middleton. As a note, the difference between the line from end to end to the line from bound to bound is around 100'. Refer to my Plat for Recording Only for 16 Middleton Hill Road.

The location of the existing state town line marker and the location shown on the NHDOT plan appear to be random and have no effect on the true location of the town line.

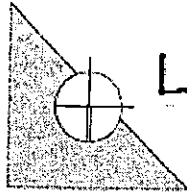
My final note on the town line location is that the line as described in the perambulations followed a magnetic course on a single bearing from bound to bound marked along the line since the beginning. Allowing for the differences in the actual bearing called for over time to be the influence of normal magnetic declination changes. I also observed that there is another local magnetic influence that caused the line to bend and wobble instead of being straight from end to end, as the needle of the compass will read locally depending on where you are on the line. This apparently was noticed also by the members who did the Perambulation in October of 1822. My observations with my compass and by use of the GPS information, the bend is obvious, and the illusion of a straight line can be explained by an attraction that may be the mountains that the northerly bound ends at.

I note here that the position the Town of Middleton has at this point is the house is located in Wakefield, based on a letter in their files Feb. 13, 1992 from Richard Tinker, a former owner of the Fournier property. Also, the Town of Middleton has no record of approvals of any applications for septic or building. The septic design for the new and existing house did not take into consideration where the town line was located and submittal and approvals of applications were made through the town of Wakefield and not Middleton. The result of this put the house and well in Middleton and the septic system in Wakefield. The Town of Wakefield is the one that believes the house is in their town because of all the previous records and approvals in their files. This is an issue that still needs to be cleared up by getting the appropriate approvals at the state and both towns.

Respectfully submitted,



Gerald H. Miller, LLS, CWS



**LAND
TECH**

Surveyors • Designers • Engineers

LAND TECHNICAL SERVICE CORP.

PO Box 60 • 6 Old Route 28 • Ossipee, NH 03864
Phone 603.539.4900 • Fax 603.539.4945

www.land-tech.com

10 May 2009

Robin Frost, Town Administrator
Town of Wakefield, NH
2 Meadow Street
Wakefield, NH 03872

**RE: Review and Discussion of,
And Proposal for Survey of
Wakefield / Middleton Town Line from Milton to Brookfield**

Dear Robin:

Thank you for requesting of us the following proposal for independently determining the town line between Wakefield and Middleton with the focus being on the Union Village area. We hope you find this proposal satisfactory, and that you will award this project to us.

First, a brief discussion of Surveyor Gerry Miller's work, having been recently completed.

We have reviewed his Report of Survey, dated May 11, 2009 (though I believe there is a June 1st report), and his survey plat, having been recorded at Carroll County Registry of Deeds at Plan Book 224, Page 7. Based upon Mr. Miller's description of his work, it appears he did a very thorough, careful, and exhaustive job in his attempt to locate the subject town line. He notes many monuments called for in the perambulations, having been not found – believed lost or destroyed.

Of interest is that he concluded that a curved or arced line represented the town line, per the perambulation records (as he interpreted him), which was due to magnetic declinations and local magnetic influences upon compass readings. The results of this incongruity show what he adopted as the town line being about 90 feet easterly of the "straight line solution", thus placing the Fournier home in Middleton, rather than Wakefield – the Fournier property being the focus of his survey.

As you are well aware, should this town line be correct, it could affect several homes in Union Village. Please also note that the 90 foot incongruity exists at the Fournier home, and that the divergence increases as one travels north. In fact, per his plat, said divergence increases about 5 feet easterly for each 700 feet northerly.

While I understand, and don't necessarily disagree with, his reasoning from a historical perspective, I submit that the adoption of his conclusion, rather than the "straight line solution" may be more of a legal question rather than a survey question. At this time, it may be wise to consult with your attorney/s for their legal assessment of Surveyor Miller's conclusions.

Clearly, it is pre-mature for me to agree or disagree with Mr. Miller's work. And, unfortunately, there is no quick and easy way to independently make my own determination. And, ultimately, as mentioned above, the true town line may be a legal matter.

To independently survey this town line, the entire length of the line (3.2 miles +/- from Milton to Brookfield) need be surveyed. Research would include:

- Middleton Town Hall (land owners and perambulations)
- Wakefield Town Hall (land owners and perambulations)
- Carroll County Registry of Deeds
- Strafford County Registry of Deeds
- NH State Archives (and perhaps the State Library)
- Other

Field work would include:

- Reconnaissance (searching for monuments mentioned in perambulation and other records)
- Location of monuments (using sub-centimeter GPS, sub-meter GPS, and conventional instrumentation)

Deliverables would include:

- Written Report summarizing work, methodologies, and conclusions (1 copy)
- Survey Plat (suitable for recording) (10 copies)
- We note that, once resolved, this would be an ideal time to locate permanent boundary markers along the town line at selected locations. The following proposal does not include such monument setting.

Because of the size/length of the project, the difficulty of terrain, the vagueness, location, age and historic nature of the several necessary land records, etc. we dare not propose a lump-sum bid to complete the above, and, thus submit an hourly proposal per the attached.

Therefore, we estimate time and expenses to approximate:

\$ 15,285 +/- 20% (dependant upon conditions found)

We offer a 12% municipal discount, therefore project costs are estimated at:

\$ 13,451 +/- 20%

All work will be done in accordance with the ethics, standards, procedures, and methodologies required by the NH Joint Board of Licensure for Land Surveyors.

Should you decide to accept this proposal by your endorsement, this document shall act as a Professional Service/s Agreement between us. Attached to this proposal and made a part thereof, is a rate schedule and standard terms and conditions.

PAYMENT SCHEDULE:

We propose the following payment schedule:

Cycle 1: Deposit of	\$ 4000
Cycle 2: On or about completion of records research: Time and expenses to date less	\$ 1250
Cycle 3: On or about completion of field work: Time and expenses to date less	\$ 1250
Cycle 4: Upon completion of report & plat: Time and expenses to date less	\$ 1500

The above is an estimate based upon sound planning, communication, and coordination between us. Should a bid require revision, you will be notified for further instruction/ authorization prior to incurring excess costs. Extra work not covered by this proposal will be hourly or by bid per your preference.

****OTHER FEES NOT INCLUDED**

The following are some other applicable fees you may anticipate. These fees are extra costs and are not included in the above bid.

- County Recording Fees; \$3.00 ± (if plat is recorded)
- Monumentation time and items (if you decide to monument the town line)

ANTICIPATED SCHEDULING

We will begin your project upon receipt of this signed proposal and deposit. the authority to proceed. Project will be completed within ten weeks of project execution.

** Note is made that this type of work can be prone to delay due to weather, heavy snow, poor record documents, regulatory changes, regulatory board hesitation and indecisiveness, etc. The above-anticipated schedule is submitted to establish a rough schedule of events, however the schedule may be subject to variance.

ACCEPTANCE and EXECUTION:

Should you find the above proposal and the attached terms acceptable, and wish to initiate work, please signify by your endorsement below and returning this original back to us. At that time we will add your project to our active job list and schedule the work for completion.

For your convenience, this office accepts major credit cards.

This proposal is valid for forty-five (45) days. Proposals executed after that time may be subject to revision or withdrawal.

Thank you for this opportunity to prepare this proposal for you. Should you have any questions or comments, or require additional services, please contact us. We look forward to hearing from you soon.

Sincerely,
LAND TECHNICAL SERVICE CORP.

Bryan D. Berlind, President

By my signature below, I hereby authorize you to commence work on this project as described above and subject to the attached terms and conditions. Enclosed is my deposit.

Deposit of \$4000

Signature

Date

attachment

LAND TECHNICAL SERVICE CORP

TERMS and CONDITIONS

RATE SCHEDULE:

Description	Amount
CADD Design/Draft	\$ 50.00/hr.
Drafting	50.00/hr.
Research	60.00/hr.
Project Coord./Mgmt.	50.00/hr.
One man crew	60.00/hr.
Two man crew	105.00/hr.
Three man crew	165.00/hr.
Comps/Design	60.00/hr.
TDS Data upload/download	60.00/hr.
Soils/Wetland Scientist	65.00/hr.
Professional Review/Consultant/Representation	85.00/hr.
GPS Point (Sub-Meter)	2.00 each
GPS Point (Centimeter)	40.00 each
Plan Copies	4.00/copy
"Mylar"	15.00/copy
Rebar Monuments	9.50 each
Granite or Concrete Bounds	45.00 each
Four foot grade stakes	1.50 each
Reimbursable expenses	1.15/dollar
Mileage	.50/mile

CONSULTANTS and SUBCONTRACTORS: On occasion it is necessary to hire equipment, consultants, subcontractors, attorneys and experts for certain subject matter during a project. Their fee is the responsibility of the client and unless otherwise noted is not included in the estimate. LAND TECHNICAL SERVICE CORP. will not hire any outside help unless authorized by the client.

DELAYS and CANCELLATIONS: Should the project become delayed or cancelled for reasons beyond our control, billing will be at that time for the amount we have expended into the project according to the above rate schedule.

BILLINGS, PAYMENTS AND COLLECTION: Payment is due upon receipt of billing. Bills not paid after 30 days of billing will accumulate interest at 18% per annum and may cause cessation of work. We retain the right to withhold plans, documents, and further work until the account is brought up to date. Any collection or attorney fees and costs,

to include our time and costs spent in pursuit of collection, will be applied to the account and will be payable by the client.

DEPOSITS: Deposits shall be applied to the account as directed in the "Fees and Payment Schedule" section of the proposal.

ADVERSE INFORMATION RESULTING FROM SURVEY / TESTING: Occasionally, records research, gathering of evidence/data, soil conditions, land surveying, and testing, etc. may yield conclusions inconsistent with client goals and may cause a project to fail. Client acknowledges that fees are not contingent upon resultant adverse information and that all work completed by LAND TECHNICAL SERVICE CORP. is payable in any event.

PROPERTY: All plans, specifications, field notes, data, documents, computations, files, etc. on any medium generated by this office shall remain the sole property of LAND TECHNICAL SERVICE CORP. Copies of any material shall be provided to the client (upon request) at fair cost.

LICENSE to ENTER: Client / landowner acknowledges permission to enter the property and is aware that minor tree / brush cutting may be necessary. In the case of soil testing, client / landowner is aware that entry upon the land with backhoe or other heavy equipment is required and that appurtenant land disturbance will result. Should client not own subject land, client acknowledges that landowner has been advised regarding the above and that appropriate permission has been gained.

DESTRUCTION / LOSS of SURVEY CONTROL POINTS & MONUMENTS: Client is advised that pre-mature construction, logging, stumping, clearing, filling, and other land disturbance, as well as time delays may destroy or cause to be lost established survey control points and monuments needed to efficiently finish the project. Costs to re-establish any lost or destroyed points will be borne by the client if such loss / destruction is caused by any of the above. Such rework or re-establishment of points is not a part of the bid and shall incur an additional cost.

GERALD H. MILLER

Licensed Land Surveyor
Certified Wetland Scientist
Septic System Designer

31 Ashbrook Drive
Hampton, NH 03842-1002

Phone (603) 926-8570
Fax (603) 926-8570
ghmiller@rcn.com

November 2, 2009 Report

The Perambulation done by the Towns of Middleton and Wakefield in 2009 has caused a significant change in the historical location of the line dividing the two towns by the Selectmen of the two towns by them agreeing to a location for the missing TB3 and attempting to change the description of the location to TB3A.



TB3A agreed to by Selectmen of two towns

Attached are the two most recent perambulations done for this line. The most recent one done in 2009 has had some changes, additions, to the description since the last one done in 1992 that has a missing monument from its description. For the most part, the points located and described are the same as previous perambulations going back to since 1829. The difference that affects the Fournier's and others is the change in the description and location for the town bound (TB) that has historically been at the Middleton-Union road that is referred to as TB3 OLD and TB3 NEW on the attached sketch. The new description and location referred to as TB3A on the attached sketch refers to a SB (stone bound) about 357' north of the road in the corner of the old dam at the river and a corner point of the Fournier's property.



Middleton-Union road, TB3 OLD on left, TB3 NEW on right

As seen on the attached sketch (magenta line) this results in roughly a 2 degree jog in the bearing coming from TB2 to a point shown as TB3A and then roughly a 7 and a half degree jog to get to TB4 which includes the Fournier's house within the town limits of the Town of Wakefield. The historical line (blue line) between TB2 and TB4, a straight line perambulated since 1829 would put the Fournier's house in the Town of Middleton. It also follows the description call of following the stone wall from TB2 towards TB3.

Note here and on the attached sketch that the previous house referred to as Bosley and Eaton that burned down in 1984 was in the Town of Wakefield. This was before the State took some land and realigned the right of way (R.O.W.). The Fournier house built in 1987 thought they were in Wakefield due to a septic design indicating it was in Wakefield with no indication of where the town line was actually located. A septic design is not a boundary survey and cannot be used to determine the town line. The survey performed by me to determine the relationship of the town line and the Fournier's property is the first since it was created showing the location.

I have highlighted and added notes on the attached sheet the changes made to the description in the September 2009 Perambulation of the Middleton – Wakefield Town Lines. Note that "approximate coordinates" have been added to all monument locations. Except for TB3, all the coordinates match the same monuments located by my survey as to their location by GPS. Refer to the aerial photo town line plans done by me that show the location and description of the monuments I found along the town line from the Southeast corner of Wakefield at the Milton line to the Northwest corner of Wakefield at the Wolfboro line along the towns of Middleton and Brookfield.

From TB2 to TB3 the description is the same as previous described perambulations but the additional note "[North]" and the owner "Fournier" were made as changes to the 2009 description. It seems minor at first glance, but these changes change the meaning of direction "just beyond" from a location Westerly and Southerly of the old residence to the even further Westerly and Northerly location of the new residence. In addition, this new line from TB2 to TB3A will no longer match the description "thence same course along the wall" because this line does not fall on the stone wall. Many properties along this line would now fall in Wakefield too instead of just Middleton. As indicated above, there is about a 2 degree difference in alignment to the 2009 description. The coordinates attempt to locate TB3A agreed to by the Selectmen who perambulated as to the location of the missing TB3.



TB3A agreed to by Selectmen as being missing bound TB3
Stone Bound marker at Fournier property corner and corner of old dam

TB3A is a square cut Stone Bound (SB) in the corner of the old dam retaining wall, which marks the corner of the Fournier property and Beaudoin property that is described as being in both towns. To date, no monument for TB3, or any monument on the entire town line, has ever been described as a square cut stone bound. All the stone bounds have been field stones marked, either engraved or painted WM.

Recently has it been debated as to which town the new house owned by Fournier is in. This because no one could tell the Fournier's where the town line passed through this area due to the missing bound TB3 old and new. Part of

the debate has been how to determine the location of the town line. Procedure is to follow the line and monuments as originally laid out and acquiesced to by both towns. But in this case, the town Selectmen from both towns have chosen a completely new location, with the claim that this is the missing town bound and town line location because they will not accept the location as I have surveyed it. This is the blue tie line on the attached sketch, a straight course that follows along the stone wall that has been perambulated since 1829. I find no justification for the Selectmen to choose this new location other than to make sure that the Fournier dwelling is in the town limits of Wakefield.

Another interpretation of the town line is being straight from end to end or from bound to bound. As noted on the attached sketch and seen on the aerial plans, if you draw a straight line from the southern end of Wakefield at TB1 and go to the northern end of Wakefield at Wolfboro, then the town bound at Middleton-Brookfield is about 307.5' west of the line.

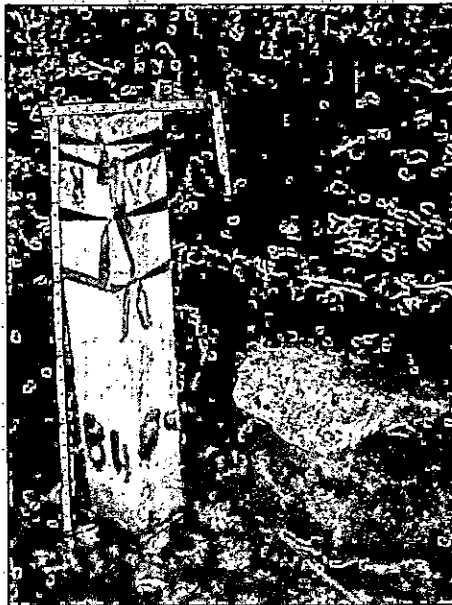


TB1, Wakefield-Middleton-Milton stone bound



Wakefield-Middleton-Brookfield stone bound

There is no town bound referred to in the perambulation along the line that is exactly on the straight line end to end lines for either the common corner TB1 at the Milton town line, at the Southwest corner of Wakefield to the Northeast corner of Middleton and Southeast corner of Brookfield, or the Northeast corner of Brookfield and Northwest corner of Wakefield at the Wolfboro town line.



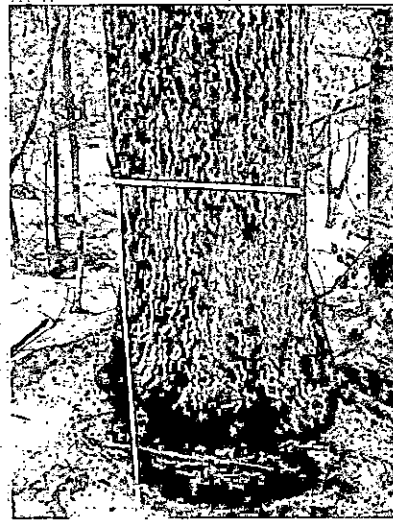
Northeast corner of Brookfield and Northwest corner of Wakefield at the Wolfboro town line.

In my analysis, I found no reason to hold a straight line from end to end of the towns. Instead, I found evidence of the monuments called for, stones, trees, stone walls, etc. and held these monuments to determine the Town Line as had been originally laid out and monumented. The compass bearings were very close along the line segments and exhibited a local attraction to the needle as had been observed previously and mentioned in the 1822 perambulation. The result of this is a straight bearing creating a curved line which is the reason that the Wakefield-Middleton-Brookfield bound is 307.5' more or less Westerly of the straight line from Milton to Wolfboro (red line on sketch).

Even though much of the physical evidence of where was has been destroyed, there is still enough to indicate that the line segments from TB2 to TB3 and TB3 to TB4 were close enough to be a straight line from TB2 to TB4 so that a point can be established on line for TB3 NEW at the north side of the right of way.



view along stone wall from TB2 three wall intersect



TB4 Large pine tree in wall on west side of Access Road

The result of this would be that the existing house would lie in Middleton with 339.53' of frontage on Rte 153 and 127.85' of frontage on Middleton Hill Road RTE 153 and 116.18' frontage on Main Street RTE 125 in Wakefield.

Respectfully submitted,

Gerald H. Miller

Gerald H. Miller

PERAMBULATION OF MIDDLETON-WAKEFIELD TOWN LINES

OCTOBER, 1992

Beginning at a stone in the wall marked W.M.M. with a blazed hemlock and a spruce tree which is in the southeast corner of Middleton and the southwest corner of Wakefield on the Milton town line. Thence north 6 degrees east to a point in the wall where the three walls come together back of the Fifield house (formerly Varney); thence same course along the wall to a buried marker (not located in 1992) about 10 feet from the corner of the stone wall on the north side of the Middleton-Union road, just beyond the Bosley place (formerly Eaton). Thence same course to a large pine tree in a wall on the west side of the Access Road, then across the Access Road to a small pine tree marked W.M. on the east side of the Access Road, thence same course where line crosses Access Road again to a small Maple Tree (has a survey stake about 3' high marked with orange) with a rock marked W.M.* Thence same course 146 rods to a stone with several small stones on top marked W.M. about 25 feet south of the corner of a stone wall, (this being 372 rods from the Middleton-Union road. Thence same course 233 rods to a large yellow birch on the east side of a small brook with a stone leaned up against it, marked W.M. On the west side of the brook, a maple tree with a rock at the base of this tree marked W.M. with a "48" cut into the rock; thence same course to a stone in the corner wall and a concrete post at the end of the wall marked W.M.B. which is the northeast corner of Middleton and the southeast corner of Brookfield on the Wakefield town line. This is in a stone wall on the way down Moose Mountain to the Governor's Road, north of the Gilman Cemetery.

Keith F. Miller

Art. Goff

Selectmen of Middleton, N.H.

Christopher M. Bamford

John Fisher

Carl W. Dodds

Selectmen of Wakefield, N.H.

PERAMBULATION OF THE MIDDLETON – WAKEFIELD TOWN LINES

SEPTEMBER 2009

HIGHLIGHTED CHANGES TO PERAMBULATION
DESCRIPTION SINCE THE LAST ONE DONE
IN 1992

Beginning at a STONE IN THE WALL MARKED W.M.M. with a blazed hemlock and a spruce tree which is in the southeast corner of Middleton and the southwest corner of Wakefield on the Milton town line; ADDED COORDINATES
[approximate coordinates N 43° 28' 55" W 71° 01' 28"]

thence north 6° east to a POINT IN THE WALL where three walls come together back of the Loring house; Note that a rebar and cap has been set at, or near the intersection of the 3 walls. ADDED LORING,
ADDED NOTE ON
REBAR
[approximate coordinates N 43° 29" 14" W 71° 01' 32"] ADDED COORDINATES

thence same course along the wall to a buried marker about 10 feet from the corner of the stone wall on the north side of the Middleton-Union road, just beyond [North] the Fournier place; ADDED FOURNIER
ADDED [NORTH]
ADDED COORDINATES
[approximate coordinates N 43° 29.7000' W 71° 01.6868'] NOTE: COORDINATES LOCATE POINT MORE
THAN 300' NORTH OF THE ROAD

thence same course to a LARGE [36"] PINE TREE in a wall on the west side of the Access Road; ADDED [36"]
ADDED COORDINATES
[approximate coordinates N 43° 29.8874' W 71° 01.7105']

thence across the Access Road to a SMALL [18"] PINE TREE marked W.M. on the east side of the Access Road; ADDED [18"]
ADDED COORDINATES
[approximate coordinates N 43° 29.9123' W 71° 01.7194']

thence same course where line crosses Access Road again to a SMALL [8"] MAPLE TREE [HAS A 3 FOOT HIGH SURVEY MARKER POST AND A ROCK MARKED W.M.]; ADDED [8"]
ADDED COORDINATES
[approximate coordinates N 43° 30.2889' W 71° 01.8184']

thence same course 146 rods to a STONE WITH SEVERAL SMALL STONES ON TOP MARKED W.M. about 25 feet south of the corner of a stone wall. This being 372 rods from the Middleton-Union road; ADDED COORDINATES
[approximate coordinates N 43° 30.6179' W 71° 01.9203']

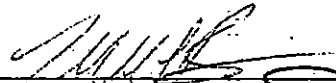
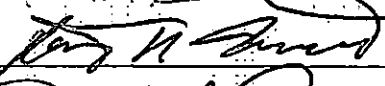
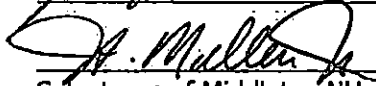
CONTINUED NOT TO PERAMBULATE TO THE STONE WALL AT THE TOP OF THE RIDGE
thence same course 233 rods to a LARGE YELLOW BIRCH WITH A STONE LEANING AGAINST IT MARKED W.M. on the east side of a small brook; ADDED COORDINATES
[approximate coordinates N 43° 31.2504' W 71° 02.1061']


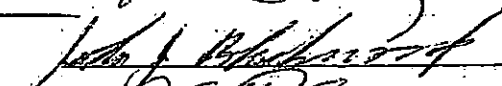
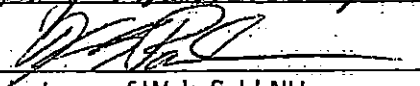
on the west side of the brook a MAPLE TREE WITH A ROCK AT THE BASE MARKED W.M. WITH A "48" CUT INTO THE ROCK;
[not located] ADDED [NOT LOCATED]

thence same course to a STONE IN THE CORNER AND A CONCRETE POST MARKED W.M.B. which is the northeast corner of Middleton and the southeast corner of

Brookfield on the Wakefield town line. This is in a stone wall on the way down Moose Mountain to the Governor's Road north of the Gilman Cemetery;
[approximate coordinates N 43° 31.5997' W 71° 02.2132']

SPELLING ERROR LINE
ADDED COORDINATES




Selectmen of Middleton NH




Selectmen of Wakefield NH

GERALD H. MILLER

Licensed Land Surveyor
Certified Wetland Scientist
Septic System Designer

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1 of 4

June 14, 2010

Nathan R. Fogg
Fogg Environmental Design, LLC
60 White Birch Road
Wakefield, NH 03872

nate@foggdesign.com

Dear Nate,

I appreciate you meeting with myself and Mr. Fournier on site June 8, 2010. This is a follow up to what we did and talked about. I have put together some case references on the subject of the location of town lines that we discussed. The 2009 Perambulation Report indicates that you found and located a buried marker about 10 feet from the corner of the stone wall North of the Fournier place with GPS coordinates leading one to believe it to be found.

The following photo on the left is what you showed me as to what was referred to and the selectmen agreed to as part of their 2009 Perambulation and had you GPS coordinates for. The photo on the right is a closer view from when I did my survey of the property.



The description that I would give this point is a 6"x10"x18" high Squared Granite Stone Bound at property corner of Fournier and Beaudoin, and at a corner of an old dam retaining stone wall on the south side of Branch River (A.K.A. Hannaford Brook) about 357' northerly of Middleton Hill Road (A.K.A. Middleton, Middleton-Union, and RTE 153) about 100' west of the straight line tie between town line bound #2 and town line bound #4.

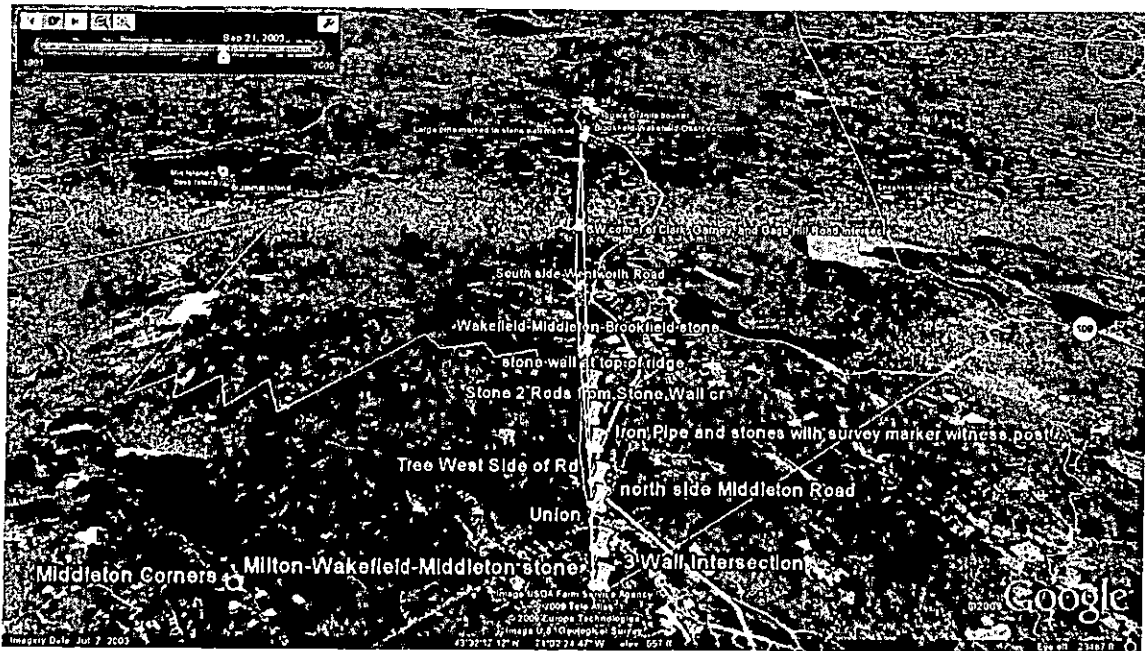
The description for the 2009 Perambulation being:

thence same course along the stone wall to a buried marker about 10 feet from the corner of the stone wall on the north side of the Middleton-Union road, just beyond [North] the Fournier place;

[approximate coordinates N 43°29.7000' W 71°01.6868']

We both agreed that this does not match the description in the 2009 Perambulation other than your GPS coordinates for this location.

I reviewed with you my research and survey of the town bounds along the Wakefield town line from Milton to Wolfborough and how the monuments do not go in a straight line, but more of an elongated S-curve even though the bearing using my magnetic compass was showing a straight bearing that was being locally affected by the magnetic attraction of something, that was also commented on in the 1822 Perambulation. The following picture with the coordinates plotted on Google shows the straight line from Milton to Wolfborough and the curve of the actual town line as laid out and monumented since 1829.



I also showed how the description for this particular bound has morphed through the years and doesn't resemble anymore the physical monument it is supposed to be describing. We agreed the common element was that it was always at Middleton Hill Road (A.K.A. Middleton, Middleton-Union, and RTE 153). In the 1829 perambulation, one of the clues as to where the line went was "the westerly end of Levi Hannaford's barn about 10' from the back side of it". Another reference called for about 12'. Then in 1843 the perambulation called for "stone marked WM on westerly side of bars leading into the enclosure of Levi Hannaford on south side of road from Middleton to Wakefield Village". My survey has the town line a little less than 14' from the corner of the barn currently. Levi Hannaford owned the house and barn on the south side of the road. Part of his deed calls for running along the stone wall as a town line, same wall that leads you to town boundary marker #2. Along with the written clues to the location and physical evidence located with my survey shows these two segment lines in the town line description essentially to be a straight line between town line bound #2 and town line bound #4 which became my final resolution.

Therefore I suggest the description using existing landmarks for it would be:

thence same course along the stone wall to a point on the line, no monument found, on the northerly sideline right of way of RTE 153, also known as Middleton-Union Road or Middleton Hill Road, located southwesterly 127.85' from a NHHB concrete marker at the Northwest corner of the intersection with RTE 125, also known as Main Street; [approximate coordinates 43°29'39 N, 71°01'39" W]

Note: this is based on Google maps coordinates and the boundary survey I put on record giving more specific measurements showing the perambulated line bound to bound since December 2, 1793, when the town line was marked only by line of spotted trees, intersecting the current bounded northerly sideline of the state right of way.

Next you asked about clarification on some misconceptions that town lines are straight lines from one end of the town line to the next. The accepted rule is that the line was created by the legislature and can only be changed by them, but recognized as being established as it was originally laid out, usually by a surveyor, and agreed to by the Select Men of the two towns or by such persons as they shall in writing appoint for that purpose and perambulated every 7 years thereafter.

A line which has been located and established and treated for more than sixty years as the correct boundary is to be regarded as the true jurisdictional boundary although it may differ from the calls of the charter. Town of Bath v. Town of Haverhill, 73 NH 511, 63A 307, (1906).

In the review of the statutes the Supreme Court said, "no power is given to selectmen, by agreement or otherwise, to establish a monument or a boundary. Their only function is to renew." Greenville v. Mason, 57 NH 385, 391, (1876).

The authority given to selectmen, to renew boundaries, has always been considered to embrace the power to settle, by agreement, the true lines between towns. And the power to settle and establish disputed lines is expressly given to sessions. But a power to settle and establish is not a power to alter. A power to settle a line is only a power to determine where an existing line is; but a power to alter is a power to abandon an existing line, and establish a new one. Gorrill v. Whittier, 3 NH 265, (1825).

A perambulation of a town line following the lines as laid down on a plan tends to show a practical location according to the plan, but the fact that the selectmen undertook to run a new town line where there was no line before and differing from both the charter and the plan is evidence of nothing. Wells v. Jackson Iron Mfg. Co., 48 NH 491, (1869).

These case references and others can be found in "A Manual on Municipal Boundaries Perambulating Town Lines in New Hampshire" put together by Bob Moynihan at UNH and sold through the New Hampshire Land Surveyors Association.

The selectmen's authority is to renew and reestablish by agreement the original line which if they can't do, then, the courts can settle the issue of where the original line is, again, still with no authority to alter the original line. To alter or set and establish a new boundary marker requires a legislative enactment and ratified by 2/3 of the voters of each town affected.

The selectmen do not have the power to alter the location of the original line by agreement a monument which is not on the original line which I think we both agree they have done in this particular instance, especially where the original line can be established by a Licensed Land Surveyor.

As the town agent for perambulating the town line, we would be appreciative of your efforts you said you would do to see about correcting what I believe we both agreed on June 8th to be the wrong monument and line agreed to by the selectmen in location and description in the 2009 Perambulation and Return.

Respectfully submitted,

Gerald H. Miller
Licensed Land Surveyor #665

Cc: John Fournier

PERAMBULATION TIME LINE
FROM TOWN OF WAKEFIELD
TOWN RECORDS
APRIL, 2009
BY
GERALD H. MILLER, LLS

WHITE PINE TREE
SPOTTED ON FOUR SIDES

OLD SPOTTED TREES

N 1 W

LARGE WHITE MAPLE TREE
AT HEADLINE OF ROCHESTER
MARKED WITH TWO CROSSES
CALLED THE TEN MILE TREE
FROM BARRINGTON LINE

RENEWED MARKS

PERAMBULATION
DECEMBER 2, 1793

STAKE AND STONES AT CORNER
OF JOHN KENNERSON'S LAND
IN LOT 86 IN BROOKFIELD

ANCIENT LINE TREES AS COULD BE FOUND

NORTH

STONE MARKER WITH LETTER M
ON EAST AND WEST SIDES
MARKED W ON NORTH WEST CORNER

PERAMBULATION
NOVEMBER 17, 1815

PERAMBULATION
OCTOBER 31, 1822

PLACED A STONE AND MARKED W.M.B.
SOUTHEASTERLY CORNER OF BROOKFIELD

ANCIENT LINE TREES AS COULD BE FOUND

DUE NORTH N 1 E

MARKED ROCK MW ABOUT SIX RODS SOUTH OF
SOUTHERLY CORNER LOT NUMBERED EIGHTY- FIVE

TOP OF THE HILL WHERE THE STONE WALL
OF MR. PIPER ENDS ON A STEEP BLUFF
BREAKING OFF PRECIPITOUSLY TO THE NORTH
ANCIENT BEECH TREE ON SOUTHERLY SIDE OF
GOVENORS ROAD WITH DATES AS FAR BACK AS 1809
MARKED IT 1829 AND K.R.

MARKED A STONE ON A HIGH KNOLL
WEST OF A.H. GILMAN'S HOUSE

THE LINE STRIKES THE WESTERLY END
OF LEVI HANNIFORD'S BARN ABOUT
TEN FEET FROM THE BACK SIDE OF IT AND
INTO THE NORTHEASTERLY WINDOW OF HIS HOUSE

MARKED STONE WM
BY THE SIDE OF THE BARS ON MR. PAGE'S LAND
AND ON THE SOUTHERLY SIDE OF ROAD FROM
UNION VILLAGE TO MIDDLETON CORNER

STONE MARKED MW
ON NORHTERLY LINE OF MILTON

PERAMBULATION
AUGUST 27, 1829

RENEWED THE MARKS UPON STONES AND TREES NAMED IN 1829

GENERAL DIRECTION OF N 2 1/2 E

A STONE AND MARKED W.M.B.
SOUTHEASTERLY CORNER OF BROOKFIELD

ANCIENT BEECH TREE ON SOUTHERLY SIDE OF
GOVENORS ROAD WITH DATES AS FAR BACK AS 1809
MARKED IT 1836

STONE MARKED MW
ON NORHTERLY LINE OF MILTON

PERAMBULATION
SEPTEMBER 13, 1836

A STONE AND MARKED W.M.B.
NORTHERLY PEAK CORNER OF MIDDLETON

1353.00'

LARGE ROCK MAPLE TREE SPOTTED

1287.00'

STAKE AND STONES ON RIDGE ON EASTERLY SIDE OF THE SWAMP
THE TOP STONE BEING MARKED WITH AN X

2673.00'

SMALL RED OAK TREE IN STONE WALL SPOTTED AND DATED 1843

ANCIENT BEECH ON SOUTH SIDE OF GOVENORS ROAD
MARKED MW AND DATED

SMALL RED OAK TREE MARKED WM DATED 1843 AND INITIAL LETTERS

LARGE YELLOW ASH TREE

STONE MARKED WM ON TOP OF KNOLL IN PASTURE
WESTERLY OF HALL GILMAN'S HOUSE

N I E
3564.00'

STONE MARKED WM ON WESTERLY SIDE OF BARS OF LEVI HANNAFORD
ON SOUTH SIDE OF ROAD FROM MIDDLETON TO WAKEFIELD VILLAGE

1782.00'

WHITE ASH TREE MARKED WM
STANDING NEAR A BOARD FENCE

858.00'

TO THE BARN OF ROBERT MOULTON
THE LINE CROSSING SAID BARN ABOUT
12' FROM THE WESTERLY END

1716.00'

STONE MARKED MMW
ON THE LINE OF MILTON
IN PASTURE OF EBENEZER ADAMS

PERAMBULATION
OCTORFR 16. 1843

CORNER, STONE
NORTHERLY PICKED CORNER OF MIDDLETON

1782.00'

WHITE BEECH MARKED WM

4273.50'

WHITE BEECH MARKED WM

YELLOW BIRCH MARKED WM

1386.00'

BIRCH MARKED WM

N01°E

891.00'

WHITE MAPLE

2805.00'

LARGE STONE MARKED WM BY THE SIDE OF THE ROAD

1831.50'

WHITE ASH TREE MARKED WM

1567.50'

CHERRY TREE

1023.00'

STONE MARKED MMW
ON THE LINE OF MILTON

PERAMBULATION
OCTOBER 19 1850

CORNER STONE
WAKEFIELD, MIDDLETON, BROOKFIELD

1782.00'

WHITE BEECH MARKED WM

4273.50'

WHITE BEECH MARKED WM

544.50' YELLOW BIRCH MARKED WM

1386.00'

BIRCH MARKED WM

N02°45'E

561.00' WHITE MAPLE MARKED WM

2805.00'

LARGE STONE MARKED WM BY THE SIDE OF THE ROAD

2821.50'

WHITE OAK TREE MARKED WM

2095.50'

STONE MARKED MMW
ON THE LINE OF MILTON

PERAMBULATION
NOVEMBER 4. 1857

CORNER STONE
WAKEFIELD, MIDDLETON, BROOKFIELD

1782.00'

WHITE BEECH MARKED WM

4273.50'

WHITE BEECH MARKED WM

544.50' YELLOW BIRCH MARKED WM

1386.00'

BIRCH MARKED WM

N02°45'E
891.00'

WHITE MAPLE TREE MARKED WM

2805.00'

STONE MARKED WM

1831.50'

WHITE ASH TREE MARKED WM

2590.50'

STONE MARKED MMW
ON THE LINE OF MILTON

PERAMBULATION
OCTOBER 26, 1864

CORNER STONE
WAKEFIELD, BROOKFIELD, MIDDLETON

1782.00'

WHITE BEECH MARKED WM

4273.50'

WHITE BEECH DATED AND MARKED WM

1897.50'

SMALL WHITE PINE MARKED WM
OLD YELLOW BIRCH MARKED WM

N02°45'E

891.00'

WHITE MAPLE TREE MARKED WM

2805.00'

MIDDLETON ROAD

1831.50'

WHITE ASH TREE MARKED WM

2590.50'

CORNER STONE MARKED WMB
BROOKFIELD, MIDDLETON

1782.00'

WHITE BEECH MARKED WM

4273.50'

WHITE BEECH DATED AND MARKED WM

1897.50'

SMALL WHITE PINE MARKED WM
OLD YELLOW BIRCH MARKED WM

N03°E

891.00' 33.00'

WHITE MAPLE TREE MARKED WM

2805.00'

MIDDLETON ROAD

1831.50'

WHITE ASH TREE MARKED WM

1567.50'

APPARENT
DISTANCE
ERROR

STONE MARKED MMW
PERAMBULATION
OCTOBER 10, 1878

PERAMBULATION
1885
MISSING

STONE MONUMENT MARKED WMB
BROOKFIELD, MIDDLETON

1782.00'

BEECH TREE MARKED WM

4257.00'

LARGE STONE MARKED WM
2 RODS SOUTHERLY FROM CORNER OF STONE WALL

1897.50'

PINE TREE MARKED WM

N04°E

924.00'

WHITE MAPLE TREE MARKED WM

2805.00'

STONE IN WALL MARKED WM
ON ROAD FROM UNION VILLAGE TO MIDDLETON

1831.50'

WHITE ASH TREE MARKED WM

2590.50'

STONE MARKED MMW
ON MILTON LINE
PERAMBULATION
OCTOBER 13, 1892

STONE IN CORNER OF WALL MARKED WBM
BROOKFIELD, MIDDLETON

1782.00'

WHITE BEECH TREE MARKED WM AND DATED

4257.00'

STONE MARKED WM
2 RODS SOUTHERLY FROM CORNER OF STONE WALL

1897.50'

SMALL WHITE PINE TREE MARKED WM

N04°E

924.00'

WHITE MAPLE TREE MARKED WM

2805.00'

STONE MARKED WM
ON NORTHERLY SIDE OF MIDDLETON ROAD

1831.50'

WHITE ASH TREE MARKED WM

2623.50'

STONE MARKED MMW
ON MILTON LINE
PERAMBULATION
OCTOBER 27. 1899

PERAMBULATION
1906
MISSING

PERAMBULATION
1913
MISSING

PERAMBULATION
1920
MISSING

PERAMBULATION
1927
MISSING

STONE IN CORNER OF WALL MARKED WBM
BROOKFIELD, MIDDLETON, WAKEFIELD

1782.00'

OLD BEECH STUMP IN STONE WALL WITH ROCK PAINTED AT BASE
AND A BOULDER JUST BEYOND MARKED WITH AN ARROW ON THE WEST BOUNDS OF HUTCHINS LOT

412.50'
2 BIG YELLOW BIRCH TREES
1 MARKED WM

3844.50'

STONE WITH SMALL STONE ON TOP MARKED WM
2 RODS SOUTH OF CORNER OF STONE WALL

2409.00'

STONE (NOT FOUND)

N04°E
924.00'

WHITE MAPLE TREE (NOT FOUND)

2805.00'

BURIED CEMENT MARKER MARKED WM
NORTH SIDE OF MIDDLETON ROAD
IN FRONT OF GARAGE OF M.H. EATON

4455.00'

STONE IN THE WALL CORNER OF
WAKEFIELD, MIDDLETON, MILTON
PERAMBULATION
NOVEMBER 8, 1934

PERAMBULATION
1941
MISSING

PERAMBULATION
1948
MISSING

PERAMBULATION
1955
MISSING

PERAMBULATION
1962
MISSING

PERAMBULATION
1969
MISSING

PERAMBULATION
1976
MISSING

STONE IN CORNER OF WALL MARKED WMB AND A CONCRETE POST
BROOKFIELD, MIDDLETON, WAKEFIELD

LARGE YELLOW BIRCH WITH STONE MARKED WM ON EAST SIDE OF BROOK
MAPLE TREE WITH STONE MARKED WM AND "48" ON WEST SIDE OF BROOK

STONE WITH WITH SEVERAL STONES ON TOP MARKED WM
25' SOUTH OF CORNER OF STONE WALL

N06°E
16600.06'
SMALL MAPLE WITH STONE MARKED WM (NOT FOUND)
WHERE LINE CROSSES ACCESS ROAD

SMALL PINE TREE MARKED WM ON EAST SIDE OF ACCESS ROAD
LARGE PINE TREE IN WALL ON WEST SIDE OF ACCESS ROAD

BURIED MARKER
NORTH SIDE OF MIDDLETON-UNION ROAD
10' FROM CORNER STONE WALL
JUST BEYOND THE BOSLEY PLACE (FORMERLY EATON)

POINT IN THE WALL WHERE THREE WALLS COME TOGETHER
BACK OF THE FIFIELD HOUSE (FORMERLY VARNEY)

STONE IN THE WALL MARKED WMM
WAKEFIELD, MIDDLETON, MILTON
WITH BLAZED HEMLOCK AND SPRUCE TREES

PERAMBULATION
OCTOBER. 1984

STONE IN CORNER OF WALL MARKED WMB AND A CONCRETE POST
BROOKFIELD, MIDDLETON, WAKEFIELD

LARGE YELLOW BIRCH WITH STONE MARKED WM ON EAST SIDE OF BROOK
MAPLE TREE WITH STONE MARKED WM AND "48" ON WEST SIDE OF BROOK

STONE WITH WITH SEVERAL STONES ON TOP MARKED WM
25' SOUTH OF CORNER OF STONE WALL

N06°E
16600.06'
SMALL MAPLE WITH STONE MARKED WM (NOT FOUND)
WHERE LINE CROSSES ACCESS ROAD AT SURVEY STAKE

SMALL PINE TREE MARKED WM ON EAST SIDE OF ACCESS ROAD
LARGE PINE TREE IN WALL ON WEST SIDE OF ACCESS ROAD

BURIED MARKER (NOT FOUND)
NORTH SIDE OF MIDDLETON-UNION ROAD
10' FROM CORNER STONE WALL
JUST BEYOND THE BOSLEY PLACE (FORMERLY EATON)

POINT IN THE WALL WHERE THREE WALLS COME TOGETHER
BACK OF THE FIFIELD HOUSE (FORMERLY VARNEY)

STONE IN THE WALL MARKED WMM
WAKEFIELD, MIDDLETON, MILTON
WITH BLAZED HEMLOCK AND SPRUCE TREES

PERAMBULATION
OCTOBER, 1992

PERAMBULATION
1999
MISSING

PERAMBULATION
2006
MISSING

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Volume 17 — No. 44

New Durham backs off Farmington land claim

By JOHN NOLAN
jnolan@fosters.com

FARMINGTON — While neither town actually talked of raising a militia, there certainly was trouble brewing on the border between Farmington and New Durham for a few days last week. However, an e-mail sent last Friday from a cartographic firm to a landowner indicates that New Durham is now retracting its claim to a slice of Farmington land that has been in the latter town's possession since it sprang free from Rochester in 1798.

The thorny issue came to light early last week, when Farmington's Board of Selectmen reviewed a letter from Rodney Thompson, whose family has lived on Meaderboro Road, next to the New Durham line for 10 generations, having been the recipients of an original King's Grant.

"Are you aware," Thompson asked, "that the Town of New Durham is currently up-

dating their tax maps and in the process is basically altering the recognized town line between New Durham and Farmington?"

The reason Thompson knew of this adjustment is that he owns land on both sides of the line, and consequently was sent a notice by New Durham saying that the piece of land in the town that he owns with his wife Judy had mysteriously grown from 61 to 62 acres.

In his letter to the Town of Farmington, Thompson continued, "A survey of my New Durham property that was accomplished some 20 years ago used existing town line stone markers at the Ten Rod and Meaderboro roads to establish the line between these points. These markers have been in place for many, many years and are inscribed with years dating back to at least 1850 for the marker stone on Meaderboro Road. These stones are noted during the periodic perambulation of town bounds by selectmen of each town. I have the 1934, 1961

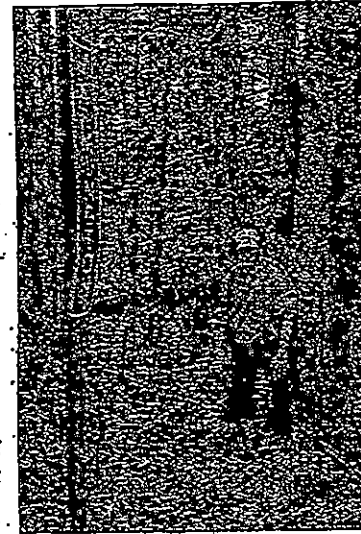
and 1988 perambulation records that are signed by selectmen from both Farmington and New Durham."

Thompson went on to assert that he was told on Nov 6 by a representative of Cartographic Associates, Inc., which New Durham has contracted to do its mapping, that the intermediate stone markers (such as those on Meaderboro and Ten Rod roads) do not mean anything.

Thompson related he was told that Cartographic Associates, Inc. had established the town corners, and ran a precisely straight line (from aerials, Thompson surmised) between them.

"This action had the effect of moving the town line at Meaderboro Road some 45 feet to the southeast of the long-established town marker stone," said Thompson in his letter, adding, "I am not pleased with this action by New Durham's contractor and thought that you should be aware of such an appar-

LAND, PAGE A2



FARMINGTON RESIDENT RODNEY THOMPSON, who also owns land in New Durham, was not happy with Cartographic Associates Inc.'s early claim that a marker and stone wall on Meaderboro Road, which have served to mark the boundary between the two towns for at least 159 years, have been proved inaccurate by modern instrumentation. New Durham made a preliminary claim that it held sway over a long strip of land extending 45 feet into Farmington at this point, but later C.A.I. told Thompson that the ancient markers "appear to be valid."

John Nolan/Times photo

Land

From page A1

ent modification to the town line. It seems to be a case of modern precision invalidating long established recognized monuments."

The Farmington resident also noted that this action would cause existing surveys, individual property tax records and jurisdictional taxing districts to be invalidated.

Farmington selectmen, who had not been informed by New Durham about this claim on its land, requested that Town Administrator Tony Mincin contact the New Durham Board to discuss the matter, and Mincin made the first approaches last Thursday by calling his counterpart, April Whitaker.

Before this contact, the *Rochester Times* had spoken briefly to Whitaker, and asked about the Meaderboro Road marker which, according to Cartographic Associates, Inc., has been 45 feet out of position for at least 169 years, without anyone being aware, including the person who built the original stone wall, which still runs down the boundary line between Thompson's New Durham and Farmington properties.

"I am not surprised. This is the 21st century," said Whitaker, adding that she is not a cartographer, and

referring this reporter to Cartographic Associates, Inc., which has a \$90,000 contract to update the town's tax maps. Whitaker suggested that C.A.I. will have wrapped up its work in four to six weeks.

"I think this is a pretty boring story," she said concluding the short interview.

At Strafford County Registry of Deeds, Assistant County Assessor Lynn Williams had a different view.

"I have not heard of anything like this happening," said Williams, who has worked in the Registry for 21 years. "We have boundary disputes all the time, but to have towns disagree—that's a completely new issue."

On Nov. 9, while Farmington selectmen were reviewing Thompson's letter, Farmington resident and surveyor Randy Orvis, speaking from the public benches, said that such issues had arisen in other parts of the state, including one between Strafford and Barnstead. He said that boundaries had been laid down in the 1700s, using the best surveying instruments available at that time, and that the job of surveyors now, as he saw it, is to come as close as possible to those original lines.

Karen Montgomery of Barnstead, the town secretary filling in for the town administrator, recalled the Strafford-Barnstead matter as a

minor affair quickly resolved when a resident raised an issue during a perambulation some years ago.

Tipping her hand as a traditionalist, Montgomery gave her take on the New Durham-Farmington issue as, "New technology is wonderful. But whoever said it was to be a straight line (between two established corners)."

Meanwhile, back in Farmington, Selectman Joan Funk, said, "We are not giving an inch."

Selectman Jerry McCarthy, however, hinted that there could be room for negotiation, if Farmington could "get some of the action on Merry Meeting Pond."

A call to Cartographic Associates, Inc. by the *Rochester Times* last Thursday yielded little. An employee who would only give his name as Anthony said, "I am not going to comment," adding that no managerial staff were available.

"A manager will be back in touch," he said.

The very next day, while the company did not contact the newspaper, C.A.I. President Donald E. Buntson did e-mail Rodney Thompson, saying, "I have now reviewed all information that was available to us with regards to your property and the Farmington/New Durham Town Line as discussed during our phone conversation earlier this week.

While we, apparently, were not taken by the Town's representative to the bounds indicated on your survey, they certainly appear to be valid bounds and we have now changed the New Durham parcel maps to reflect that information.

"I want to thank you for bringing that information to our attention. The whole purpose of the map review sessions that were held, is to share information and the goal being to make the new maps as accurate as possible."

Thompson told the *Rochester Times* that he now would expect New Durham to send him notification that his New Durham property has been reduced to 61 acres, once again, but noted, "I have not yet received any response to my original e-mail from any New Durham official."

Rochester City Manager John Scruton, whose family has owned land in Farmington for several generations, some of it on the town boundary with Strafford, said his view was that ancient boundaries, including stone markers and walls, had to be respected, and that "history should prevail."

As a former Farmington selectman, Scruton recalled taking part in a once-every-seven-years perambulation with officials from Barnstead, Aiton, New Durham and

Strafford in 1988 to reaffirm where the five towns meet. (This reporter took a predigital photograph of that historic occasion for the *Rochester Courier*, only to discover later that his film had failed to wind on. This misfortune was not remedied until 1995.) Following this five-way meeting in 1988, Scruton continued with Strafford Selectman Lester Hinkins to perambulate the Farmington/Strafford/Rochester junction, which is in the middle of a bog, and "marked" by a long disappeared pine tree. Meanwhile, Farmington Selectman Willis Berry went with his New Durham counterpart (a relative, by coincidence) and agreed on the stone markers at Meaderboro and Ten Rod roads, as witnessed by this reporter, and recorded on a document since viewed by Thompson.

Speaking last Friday, Scruton said he would call Mincin, and set up a date for Rochester and Farmington to conduct perambulations and confirm the historic stone marker boundaries on Governors, Chestnut Hill, Ten Rod and Meaderboro roads, as well as Route 11.

New Durham
Granted in 1749 as Cocheo, New Durham was first settled almost entirely by colonists from Durham, New Hampshire. Colonel Thomas Tash, who had fought in England's

Seven Years War against France and was granted land in reward for his service, was appointed proprietor's clerk and called the first town meeting. The town was incorporated as New Durham in 1782. An early minister in the town, Reverend Benjamin Randall, founded a new religious denomination called the Free-Will Baptists, later known as Free Baptists.

(NH Employment Security Economic and Labor Market Information Bureau)
Farmington

This town started as Northwest Parish, a portion of Rochester that included several large farms. Those farms were separated from Rochester in 1798 as Farmington, a reference to the area's fertile farmland. It was also known as Farmington Dock because its location on the Cocheo River was an ideal spot for sawmills. Those sawmills expanded into shoe-making factories, one of the first places to use automated shoe-making machines instead of handwork. One Farmington resident known in the shoe trade was Jeremiah J. Colbath, who, after changing his name to Henry Wilson, was elected Vice-President under Ulysses S. Grant.

(NH Employment Security Economic and Labor Market Information Bureau)

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New Hampshire Town and City Article Index

360 Years of Perambulation

New Hampshire Town and City, November/December 2010

By Christopher J. Porter

What comes to mind when you hear the word perambulation?

1. Arcane, archaic state statutes?
2. Au-pairs pushing prams though Hyde Park?
3. Beating the bounds?
4. PERambulation? I thought it was PREambulation!
5. Selectmen tramping though the woods in search of "a certain large maple tree" mentioned in the town's charter that probably died back in 1783?
6. Pre-meditated amputation?

If you said "some of the above" (numbers 1, 3 and 5) you are clearly a keen student of perambulation, the subject of which was the focus of a survey conducted this past summer by the New Hampshire Municipal Association (NHMA). Before diving into the study's findings, a bit of background on perambulation may be useful.

By definition, according to *Merriam-Webster*, to perambulate is to: (1) travel over or through, especially on foot; or (2) make an official inspection of (a boundary) on foot. Although the etymology is Latin, the "modern" form and usage of perambulate dates to 1568.

Perambulation was a colonial import, as described in the following piece on the custom's British traditions, "Selectmen on the Trail" by James W. Baker, published at [Jabez Corner](#):

Years ago, one of the more practical festivals of the Christian Year was Rogation. A moveable holiday that occurred the Monday, Tuesday and Wednesday before Ascension Thursday, Rogation was when each town organized a procession to trace the parish or borough boundaries. Civic and religious leaders led a perambulation which stopped at each boundary marker where a prayer was given (in part to prevent evil spirits from spreading diseases and spoiling the harvest) before returning to the church for cakebread and ale. Another feature was the practice of "beating the bounds" which was done both figuratively by pacing them off and literally with peeled willow wands to both the boundary markers themselves and to little boys brought along for the purpose in order to impress upon their memories the exact location of the true parish boundaries so that when they grew up they could attest to the boundaries even if the markers went astray, and carry on the tradition. They were also often given a small coin for their troubles.

While perambulation in Britain is rooted in church customs and parish boundaries, perambulation of municipal boundaries in this country became a secular, civic responsibility. To some extent, the custom remains in all New England states, but perhaps nowhere more adhered to than here in New Hampshire.

Looking around New England, Massachusetts remains the only other state with a statutory requirement for municipal boundary walking. Although perhaps even more often ignored than in New Hampshire, Massachusetts requires that this be done every five years, rather than our seven. Maine's every-five-year perambulation statute was repealed in 2003. (A similar movement was thwarted by the New Hampshire General Court in 2005). Maine and Vermont now seem only concerned that their state border with New Hampshire be perambulated every seven years.

New Hampshire Statutes

Armed with a bit of the history and the meaning of perambulation, we turn to the statutory requirements imposed on the cities and towns of New Hampshire. While RSA 1:1-:7 deal with the perambulation of New Hampshire's state boundaries, RSA 51:1-:9 cover the municipal obligation, the heart of which is the following: "51:2 Perambulation of Town Lines. - The lines between the towns in this state shall be perambulated, and the marks and bounds renewed, once in every 7 years forever, by the selectmen of the towns, or by such persons as they shall in writing appoint for that purpose."

Section 51:4 goes on to require that the details of the perambulated boundaries be filed with the Secretary of State, the effect of which is their filing with the State Archives. The remaining sections of statute deal with disagreements between municipalities, perambulating unincorporated areas, and the penalty imposed upon selectmen of a town refusing to cooperate and participate in a neighboring community's boundary walking, once proper warning of said perambulation is provided.

Today's statutes have their roots in the Colonial Laws of the Massachusetts Bay Colony, which, as referenced in *The Colonial Laws of Massachusetts*, by William H. Whitmore, as early as 1651 required that:

...every Town shall set out their Bounds, within twelve months after their Bounds are granted: and that when their Bounds are once set out, once in three years, three or more persons of a Town, appointed by the Select men, shall appoint with the adjacent Towns, to go the Bounds betwixt their said Townes and renew their marks; which marks shall be a great heap of stones, or a Trench of six foot long and two foot broad, the most ancient town to give notice of the time and place of meeting for this perambulations; which time shall be in the first or second month, upon pain of five pounds for every Town that shall neglect the same....

Imagine having to find a "great heap of stones" after three New Hampshire winters and spring frost heaves. This perambulation business has never been easy, not to mention the five-pound fine for being neglectful, a healthy sum of money back in the day.

The statute was little changed by 1759, as noted in *Laws of Hampshire, Vol. 3 Province Period 1745-1774*:

...the Bounds of all townships within this province, shall be perambulated betwixt town and town, and marks renewed once in three years by two of the select-men of each town, or any other two men whom the select-men shall appoint; the select-men of the most ancient town to give notice unto the select-men of the next adjacent towns, of the time and place of meeting for such perambulation, six days before-hand; on pain of forfeiting five pounds....

The "great heap of stones" is gone by 1759, probably for obvious reasons, but not the five-pound fine. (See pg. 15 sidebar by Brian Burford for more historical notes.)

Current Practices

Fast-forward to 2010. RSA Chapter 51 still bears a strong similarity to its predecessors. Despite the possibility of a violation for non-compliance with a neighboring community (dating to 1651), there is no penalty imposed on a New Hampshire city or town for failing to initiate a perambulation of its own boundaries.

Therein lies the catalyst for the New Hampshire Municipal Association (NHMA) survey on perambulation, organized in conjunction with the New Hampshire State Archives and New Hampshire Surveyors Association. The following questions formed the basis of our survey of key local officials and employees:

- How widespread is voluntary perambulation in accordance with the RSA 51:2 mandate?
- Are details being filed with the State Archives?
- Where, locally, are the records kept?
- Who's in charge of the process?
- What are the impediments to regular, timely perambulation of municipal boundaries?

Data collection dates ran from June 20 to July 20, 2010. The survey was administered by way of an Internet survey tool. Survey invitations were e-mailed to one key official or employee in each of the state's 234 municipalities. In some cases, these original invitations were forwarded to other employees or officials who were deemed to be the more appropriate respondent for this study.

The sample consists of 104 complete and 33 partially complete surveys. The sample of 104 represents 44 percent of the state's municipalities and 49 percent of its population, including nine cities and 95 towns.

The survey began with a simple awareness question: "Are you familiar with the New Hampshire statutes (RSA 51) which describe the perambulation (walking) of municipal boundary lines?" A full 88 percent of the responding municipalities indicated their familiarity with the statutes, with the remainder either unaware or unsure.

Who's in charge of overseeing the perambulation of city and town boundary lines? In most towns, this duty falls to the selectmen, who are statutorily charged with the responsibility unless otherwise delegated. When a city or town manager or administrator is present, this office is also frequently involved. Otherwise, the person or department in charge of perambulation varies from the public works department to the planning department. In only 7 percent of the municipalities surveyed is there no one specifically in charge of perambulation. (See results in [sidebar table](#).)

Next, a trio of survey items asked: Are the whereabouts of your municipality's perambulation records known? Where are these records kept? Are the records available to the public?

A healthy 82 percent indicated that the whereabouts of their perambulation records is known and, of these, at least 95 percent said they are available to the public. The specifics of their whereabouts are detailed in the [sidebar table](#).

The next pair of survey questions dealt with the heart of the statutory requirements: Within the last seven years, have all, some or none of your municipal boundary lines been walked? Have the details of your most recent perambulation(s) been filed with the New Hampshire Secretary of State or the State Archives?

The following summarizes the total-sample findings from these two questions:

Boundaries Walked?

All 14%

Some 55%

None 19%

Don't Know/Not Sure 13%

Details Filled?

Yes 45%

No 18%

Don't Know/Not Sure 37%

Clearly, the percentage of municipalities in full compliance with RSA Chapter 51 is quite small. There is also a sense from the second finding that the details of the filing requirement may not be well known.

The penultimate question reads: Are you aware of any conflicts or problems with your municipal boundaries? (For example, an abutting city/town may disagree on the precise location of a boundary; or, abutting municipalities may be issuing tax bills for the same parcel due to a boundary line dispute.) Just 5 percent of the responding municipalities indicated any known conflicts or problems with their boundaries.

The survey concluded with this query: "Historically, what have been the impediments or difficulties, if any, related to conducting regular perambulations of your municipal boundary lines?" Although this question was open-ended in nature, the varied responses collapsed neatly into a top-10 list of impediments to perambulation. See results in the sidebar table at right.

The first and third categories could probably be combined to form an obvious, #1 response under the general heading of "scheduling difficulties." Considering the number and nature of New Hampshire's topographical challenges, the "terrain/topography" category is perhaps smaller than anticipated. Many of the following verbatim responses to this question are highly illustrative of these top-10 impediments to perambulation.

- Swamp land!!!!
- Finding willing personnel with available time.
- The territory that you have to cross to perambulate our boundaries is very primeval and difficult to walk.
- Finding time between the towns, and trying to get it done in decent weather conditions, as some of our boundaries go through swamps and other water sources.
- Very low priority ... extremely wooded and remote locations.
- Weather ... getting the other towns to find good dates that correlate to our availability ... also, being able to find documentation from previous perambulations to guide us on our way.
- We have contacted the abutting towns to try and do a joint perambulation and have not had any success.

At least one of the top-10 impediments-lack of knowledge-will be addressed at a perambulation-oriented session at the New Hampshire Local Government Center's annual conference. The session will focus on record keeping and filing, along with the use of GPS technology. Panelists will include the state archive records manager and a licensed land surveyor.

Considering the gravity of the impediments, and the lack of enforcement power in the statute, it's somewhat surprising that as many as 14 percent of the surveyed municipalities are completely up-to-date, and that another 55 percent are at least somewhat current.

Rationale for Walking the Line

So, why, after 360 years of semi-dutiful perambulations, are New Hampshire municipalities still required to walk and mark their boundaries every seven years-forever? Wouldn't a hand-held GPS device get the job done more efficiently and accurately? There's little doubt that the GPS coordinates of known, visible boundary markers could be catalogued once and be done, forever. But, what if the marker itself disappears? GPS records may lead us straight to the site of the once-beloved "certain large maple tree." But if the tree was taken out by Hurricane Bob back in 1991, and that line hasn't been walked since, that boundary point is left unmarked and needs to be re-established and re-set.

As recently as 2005, the state legislature entertained a bill (HB 70) that would have repealed the perambulation statute, just as Maine had done two years earlier. But the bill never made it out of the House Municipal and County Committee. Writing for the majority of the committee, Representative Peter Schmidt provided the following rationale for not recommending the perambulation statute's repeal:

This bill would repeal RSA 51:2, relative to required perambulation of the town borders. The committee heard convincing testimony that the maintenance of communities' borders is a vital function, specifically by attending to the condition, position and visibility of marker monuments, with necessary repair or replacement of damaged or lost monuments. This requires perambulation by the selectmen or their designee, not merely some type of GPS involvement. Whether these functions are currently being faithfully executed or dishonored in the breach, elected officials can not neglect or disregard their sworn duty to protect and maintain their towns' borders.

Unbeknownst to most of us who don't own property on town lines, modern-day boundary disputes still arise between abutting landowners, and between landowners and municipalities. Case in point is an ongoing dispute between a land- and homeowner in Middleton, New Hampshire. Or is it Wakefield? That is the question. Whether it's nobler to live in one than the other. And be taxed more highly by one than the other.

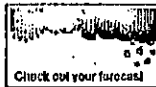
As noted in a July 10, 2010, article published by *Foster's Daily Democrat*, the landowner has threatened to sue both towns for "perambulation fraud." That's about as 21st century as a perambulation skeptic could ask for! Said property owner maintains that his house is in Middleton; but it's Wakefield that taxes him. The reader might conclude that the property owner was intent on proving that his house was in the town with the lower tax rate, but, in this case, the very opposite is true.

A recent survey of the disputed boundary (which is also a county line) showed the line as perfectly straight between two known points. An intermediary marker was physically lost to time, but not to town and property records. The homeowner asserts that if the intermediary marker were taken into account, the boundary line would be bowed or S-shaped, as recorded in historical documents. His house sits in the bow of the line, which clearly places his home in the town of Middleton, not Wakefield.

At last check, the perambulation fraud dispute goes on, as will, undoubtedly, the wisdom of retaining New Hampshire's perambulation statutes.

Chris Porter is a researcher for the New Hampshire Local Government Center and New Hampshire Municipal Association. For more information about this survey, contact Chris at 800.852.3358, ext. 138, or by e-mail. [View survey results here.](#)

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Another boundary battle rages

Thursday, July 1, 2010

Back in November of 2010, we wrote about a boundary adjustment dispute that pitted New Durham against Farmington, with the former town set to gain a whole acre at the latter's expense, and Farmington not prepared to give an inch -- a square inch, presumably.

New Durham's case was predicated on an aerial survey by a company hired to redo that town's tax maps -- a survey that initially went with an absolutely straight line from town corner to town corner, and took no account of the very old granite markers in between. Acknowledging those markers was to concede that the time-honored town boundary was not quite a straight line but a slightly bowed one.

Call it coincidence, but with Farmington strongly opposed to the discounting of ancient markers, along with an impacted land owner's objections and the press spotlight, the cartographers quickly announced that ancient stone markers do count after all, and with that, the controversy dissolved.

While working on that story, we were dimly aware that another boundary dispute was simmering over on the Middleton-Union (Wakefield) border, which is also the dividing line between Strafford and Carroll counties, and indeed it was. As our front page story details, though, the circumstances are a little different in that the selectmen from both towns perambulated the line last fall and concurred that a home taxed by the town Wakefield, is in fact in Wakefield, albeit only by a matter of a few feet.

The affected homeowner, John Fournier, is adamant, nonetheless, that he lives in Middleton, albeit it by a matter of a few inches. (everyone agrees that the bulk of his acreage -- house excepted -- lies in Middleton), and to bolster his case he hired a highly regarded licensed land surveyor, Gerald H. Miller, to research and plot the boundary.

What makes this case interesting is that Miller, working in the first half of 2009, could not find the old boundary marker -- No. 3 -- on Middleton Road, but by locating No. 2 and No. 4, and drawing a line, he projected where No. 3 should be, and bolstered his case by tracking the boundary from marker No. 2 to within a couple of hundred feet of the roadway. His firm conclusion, as shown on very detailed drawings, is that Fournier's home is in Middleton.

Then, in November 2009, after doing their own, official perambulation -- and not being guided by their cartographic company's dead straight line which helped trigger the dispute -- the Wakefield and Middleton selectmen reported they had located a marker -- No. 3 -- on Middleton Road, that placed Fournier's house in Wakefield.

Since then, Miller has strongly contested this finding because, he says, it does not jive with his exhaustive research which includes old descriptions of No. 3 location. In a letter dated June 14 to Nathan R. Pogg of Wakefield, Miller writes: "As the town agent for perambulating the town line we (Miller and Fournier) would be appreciative of your efforts you said you would do to see about correcting what I believe we both agreed on June 8 to be the wrong monument and line agreed to by the selectmen in location and description in the 2009 Perambulation and Return."

When we spoke to Mr. Fournier this week, he was still on track to bring a law suit against both towns for false perambulation, and indeed, it may take a judge with the wisdom of Solomon to reach a decision on this one.

What puzzles us though is why someone would be so keen to live in Middleton, where the tax rate is \$17.30, rather than Wakefield, which has a tax rate of \$10.65. Go figure.

J.N.

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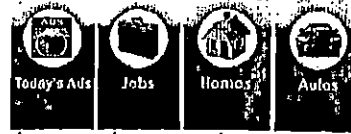
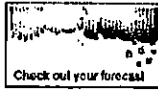
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Wakefield claims home that owner says is in Middleton

By JOHN NOLAN jnolan@fosters.com Friday, July 2, 2010

MIDDLETON or WAKEFIELD - "You can't fight city hall," says conventional wisdom, so fighting two city halls at once is a doubly daunting task, but not enough to deter Middleton (or Wakefield) resident John Fournier.



John Nolan/Times photo John Fournier claims he is a Middleton resident, and a survey of the two centuries old Wakefield-Middleton town line by a licensed land surveyor shows his home to be in Middleton. He is still paying property tax bills to Wakefield, though, which is relying on an aerial survey which has not taken historic markers into account. Thus, the Stafford County-Carroll County border is being altered.

Fournier, who lives on the Middleton-Wakefield line, has so far spent \$50,000 between surveying and legal fees to prove that his house is in Middleton and not Wakefield, and he is far from finished. Interviewed last week, Fournier, armed with a survey of the whole Middleton-Wakefield line, carried out on his behalf by licensed land surveyor Gerald H. Miller of Hampton, said that he is now about to engage the services of a Concord attorney and sue the two towns for false perambulation.

Miller's exhaustive survey, partly based on research going back into the late 1700s, has plotted the original Wakefield line from Milton northwards to Wolfeboro - a line that was intended to be straight but, in actuality is a gentle "S" that deviates, in parts by as much as 300' from a true straight line, due to a magnetic deviation caused by something in Piper Mountain.

Where the original line - the one agreed upon over many decades - crosses Middleton Road in Union Village (a part of Wakefield) the deviation from the absolutely straight line is about 30 feet to the east, enough to place Fournier's home squarely in Middleton. Miller's survey shows Fournier has 2.82 acres in Middleton and 0.43 acres (including his septic system) in Wakefield.

The ancient boundary marker on Middleton Road (Marker 3), however, is missing, and Miller reached his conclusion of where the line should be by plotting a line from Marker 2, in the woods off Pigeon Hill Road and Marker 4 off Access Road - this according to Fournier.

Miller, contacted recently, said that his research was even more conclusive, as he was able to trace the original boundary from Marker 2 northwards to within about 200 feet of Fournier's property and sighting along the line, he was able to state that his client's home was in Middleton.

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Miller, in a letter dated June 14, to Nathan Fogg, who helped Wakefield with a perambulation in 2009, writes: "You asked about clarification on some misconceptions that town lines are straight lines from one end of the town line to the next. The accepted rule is that the line was created by the legislature and can only be changed by them."

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Miller then quoted from *Town of Bath v Town of Haverhill (1906)*. "A line which has been located and established and treated for more than 60 years as the correct boundary is to be regarded as the true jurisdictional boundary, although it may differ from the calls of the charter."

Miller also reminded Fogg of the role of selectmen, as opined by the Supreme Court in *Greenville v. Mason (1876)*. "No power is given to selectmen, by agreement or otherwise, to establish a monument or boundary. Their only function is to renew."

Miller quoted further from court cases of 1825 and 1869 to underpin his argument that the long established, gently bowed "S" boundary is the true boundary between Wakefield and its western neighbors, and not the dead straight line claimed by Cartographics Associates through aerial surveying.

It was Cartographics Associates, back in 2009, which initially dismissed the validity of ancient town markers on the New Durham-Farmington line, in favor of the dead straight line method. This would have resulted in Farmington losing acreage, and unlike Middleton, they were not prepared to acquiesce, saying "We are not giving an inch."

Cartographics, contacted by the *Rochester Times* over the story, declined to comment, but the very next day after the contact, Cartographics President Donald F. Butson e-mailed the impacted Farmington resident, Rodney Thompson. He told Thompson that the bounds he had drawn their attention to "certainly appear to be valid" and they had amended their records accordingly.

Miller noted, "It doesn't have to be a straight line. That is the misperception put forward by people who don't know what they are talking about."

Strafford County Registrar of Deeds Leo Lessard, asked for his opinion, on account of the county boundary being impacted, said, "You'd think cooler heads would resolve this before everyone spends money on legal fees. The surveyor's (Gerald Miller) reputation is very, very good."

Middleton Selectman John Mullin, contacted last week, said that the selectmen from Middleton and Wakefield had perambulated their mutual town line over a two-day period last fall and had located and agreed upon the markers and lines, which, he said, place Fournier's house in Wakefield.

"When it becomes a legal issue," added Mullin, "we all lose. We all pay court costs."

Arthur Capello, who serves as Wakefield's building inspector and code enforcement officer, is also, on an acting basis, Middleton's building inspector and code enforcement officer.

He confirmed that Wakefield's selectmen, after a perambulation with their Middleton counterparts, had set the boundary line, signed off on it, and filed it with the appropriate state department, adding that the same conclusion was reached using either the old stone markers, or Cartographics' aerial-produced straight line. He said the selectmen had located a boundary marker (the missing Marker 3) on Middleton Road.

However, surveyor Miller in a detailed nine-page analysis of the November 2009 perambulation says it has, "caused a significant change in the historic location of the line dividing the two towns by the Selectmen of the two towns by them agreeing to a location for the missing TB3 (town boundary 3) and attempting to change the description of the location to TB3A."

He asserts the selectmen "chose a completely new location" and suggests the only justification for this was to "make sure the Fournier dwelling house is in the town limits of Wakefield."

Neither Middleton nor Wakefield had, as of last week, been served with legal papers giving notice of Fournier's assertion of false perambulation and his official challenge to the selectmen's conclusion.

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Tuesday, April 19, 2011

Location, location, location: Ossipee taxes man on home that's in Tuftonboro
BY DAYMOND STEER
THE CONWAY DAILY SUN

OSSIPEE — Barry Ennis believes Ossipee selectmen owe him a lot of money because they have been taxing him on home that's actually in Tuftonboro where the taxes are much lower. But selectmen from both towns say he's out of luck.

Now, Ennis is preparing to take his case to the New Hampshire Board of Tax and Land Appeals. The home's location is a big deal. Ossipee's tax rate is \$16.76 per \$1,000 of assessed value and Tuftonboro's tax rate is only \$8.49.

Ennis, a self-employed builder, owns two homes on Sawyer Road. Ennis built the second home for his wife, Jané, in 2008. She lives at the home at 34 Sawyer Road with their adult children and grandchild. Jane's house has three bedrooms and two and a half bathrooms. It's been assessed at \$245,000. Ennis, who lives at 42 Sawyer Road, has owned his land on Sawyer Road for 30 years.

During the planning process, officials told him the house would be in Ossipee. So, that's where Ennis got his building permit. But late last year, both towns discovered that the house was really in Tuftonboro. The line hadn't been perambulated since 1955 even though state law requires a perambulation every seven years, said Ennis.

"They dropped the ball; they didn't know where it was," said Ennis. "It's not a new town line. It's been the town line since the 1700s. That house was never in Ossipee and never will be in Ossipee. Therefore, Ossipee has no right to that money. I said (to Ossipee selectmen), 'You should give me my money back, Tuftonboro should bill me for what rightfully should be theirs, and whatever is left over should be mine.'"

Selectmen's chair Harry Merrow told Ennis that he should apply for an abatement at a joint meeting with Tuftonboro selectmen on Jan. 10. The boards were discussing where Ennis should pay the second half of his 2010 property taxes. No decisions were made, according to Ossipee meeting minutes.

"An abatement is a reduction in the amount of taxes. I told them I want a refund," said Ennis.

But Ennis reluctantly paid the \$2,100 half-year bill, with the assumption Ossipee selectmen would "take care of him." Since 2008, Ennis has given Ossipee nearly \$15,000 in taxes. Ennis believes most of that money belongs to Tuftonboro and himself. Ennis does have a small amount of property in Ossipee. Included in that \$15,000 is a land use penalty tax of about \$5,000 for taking some land out of current use to build the home. Ennis said he wouldn't have had to pay so much if officials acknowledged the correct town line.

But in mid February, Ossipee selectmen denied the abatement in a 2-1 vote, with Merrow in the minority. Ossipee selectmen notified the Town of Tuftonboro but have not notified Ennis personally. Ossipee selectmen also refused an invitation from Tuftonboro selectmen to discuss the issue further on March 28.

"While we make every effort to cooperate with the select boards from nearby communities, we would take this opportunity to advise you that our decision not to abate the Ennis taxes is final and not subject to change or negotiations," states a March 21 letter from Ossipee selectmen to Tuftonboro selectmen.

As justification, Ossipee selectmen wrote that as of April 1, 2010, the property was considered to be part of Ossipee. The agreement had been to consider the property in Ossipee unless the perambulation proved otherwise. The perambulation was accepted in December.

Further, Ossipee selectmen asserted that they should get the taxes because Ossipee had been plowing and providing fire protection to Sawyer Road.

In a phone interview, selectman Kathleen Maloney reiterated the reasons for the denial that were expressed in the letter to Tuftonboro. Nobody knew the land was in Tuftonboro. Tuftonboro will

get to tax the property next year. Maloney and fellow selectman Morton Leavitt said they received an opinion from the Local Government Center that supported their position.

Tuftonboro selectmen's chair Bill Stockman agreed with Maloney. He said Ossipee selectmen were on "solid ground" to deny the abatement. Stockman said it was fair for Ossipee to tax Ennis this year since his building permit came from Ossipee and the property was considered to be in Ossipee as of April 1, 2010.

"He'll start saving from now on," said Stockman, adding the state would only be able to correct one year if they overruled Ossipee.

But Ennis said Ossipee selectmen's claims were "ludicrous." He says although Ossipee does plow Sawyer Road, Tuftonboro plows the bottom of Durgin Hill Road in Ossipee. Also, Tuftonboro provides more fire protection to Sawyer Road residents than Ossipee. Ennis and fellow Tuftonboro resident Clint Morgan, of Neal Hill Road, both said that Tuftonboro fire department beat Ossipee Corner fire department to a chimney fire in the neighborhood.

Ennis says Ossipee selectmen's failure to notify him of their decision on the abatement leaves him in a lurch. Without the denial notice, he cannot get recourse with the Board of Tax and Land Appeals. Ossipee's deadline to notify Ennis is in late July. Then Ennis only has a limited amount of time to appeal to the state. Ennis said board of Tax and Land Appeals told him to hire a lawyer — which costs \$250 per hour.

Questions about the town line began swirling in 2009 when Ossipee selectmen had some GPS mapping done. The GPS mapping showed that a significant portion of Morgan's home was in Ossipee.

When the Morgan family put up resistance, selectmen from both towns agreed that they need to perambulate the line, said Ennis and Morgan. The official perambulation showed that both Morgan and Ennis had homes in Tuftonboro. The GPS mapping didn't account for old boundary markers — instead a straight line was drawn from point to point.

"This country was formed because people were tired of paying unfair taxes," said Ennis. "It's taxation without representation. They have my money and won't give it back."

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 250

BILL TITLE: relative to requirements for perambulation of town lines.

DATE: February 12, 2015

LOB ROOM: 301

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL Retained (Please circle one.)

Moved by Rep. Ammon

Seconded by Rep. Peterson

Vote: 14-2 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES NO (please circle one)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Marjorie Porter, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

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Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *Annun*

Seconded by Rep. *Peterson*

Vote: (Please attach record of roll call vote.)

14-2

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES NO (please circle one)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Marjorie Porter, Clerk



2015 SESSION

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: _____ Title: _____

PH Date: ____/____/____ Exec Session Date: ____/____/____

Motion: ITL Amendment #: _____

MEMBER	YEAS	NAYS
Belanger, James P., Chairman	✓	
Sterling, Franklin W., V Chairman		
Coffey, James E.		
Bickford, David A.		✓
Harris, Jeffrey F.	✓	
Kappler, Lawrence Mike	✓	
DeLemus, Susan C.		✓
Ammon, Keith	✓	
Chase, Francis G.		
Cheney, Catherine	✓	
Peterson, Ken S.	✓	
Varney, Peter R.		
Tatro, Bruce L..	✓	
Porter, Marjorie A., Clerk	✓	
Carson, Clyde J.	✓	
Beaulieu, Jane E.	✓	
Brown, Chris	✓	
Cornell, Patricia	✓	
Tilton, Benjamin L.	✓	
Treleaven, Susan GS	✓	
TOTAL VOTE:		

14 - 2

Committee Report

CONSENT CALENDAR

February 17, 2015

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on MUNICIPAL AND COUNTY

GOVERNMENT to which was referred HB250,

AN ACT relative to requirements for perambulation of

town lines. Having considered the same, report the

same with the following Resolution: RESOLVED, That it

is INEXPEDIENT TO LEGISLATE.

Rep. Keith Ammon

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	MUNICIPAL AND COUNTY GOVERNMENT
Bill Number:	HB250
Title:	relative to requirements for perambulation of town lines.
Date:	February 17, 2015
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill as amended, attempts to eliminate the age old practice of perambulation of town lines because of new advancements in GPS and electronic surveillance equipment like drones and; "because it has become too hard and is being ignored by selectmen anyway". Perambulation is the act of walking the town line with selectmen, or their designees, from adjoining towns and agreeing to the location of town property lines. Even using surveying grade GPS equipment brings one to the approximate location of a town bound and does not verify if the bound is still there or in need of replacement. It also does not show if recent development has encroached on town lines. Many instances were brought to the committee's attention where, after perambulation, property and even homes were found to be in a different town than what the tax maps showed. The fact that selectmen are not diligent in having this done is no excuse to eliminate it. The period of time between perambulations and imposing penalties for ignoring the statute might be a subject for change but the act of agreeing with your neighbor as to where your property lines are should not be eliminated. The notion that some selectmen are not physically capable of doing the perambulation was brought up but this is no different today than it was 100 years ago.

Original: House Clerk
Cc: Committee Bill File

Vote 14-2.

Rep. Keith Ammon
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

MUNICIPAL AND COUNTY GOVERNMENT

HB250, relative to requirements for perambulation of town lines. **INEXPEDIENT TO LEGISLATE.**

Rep. Keith Ammon for MUNICIPAL AND COUNTY GOVERNMENT. This bill as amended, attempts to eliminate the age old practice of perambulation of town lines because of new advancements in GPS and electronic surveillance equipment like drones and; "because it has become too hard and is being ignored by selectmen anyway". Perambulation is the act of walking the town line with selectmen, or their designees, from adjoining towns and agreeing to the location of town property lines. Even using surveying grade GPS equipment brings one to the approximate location of a town bound and does not verify if the bound is still there or in need of replacement. It also does not show if recent development has encroached on town lines. Many instances were brought to the committee's attention where, after perambulation, property and even homes were found to be in a different town than what the tax maps showed. The fact that selectmen are not diligent in having this done is no excuse to eliminate it. The period of time between perambulations and imposing penalties for ignoring the statute might be a subject for change but the act of agreeing with your neighbor as to where your property lines are should not be eliminated. The notion that some selectmen are not physically capable of doing the perambulation was brought up but this is no different today than it was 100 years ago. **Vote 14-2.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: MHC

BILL NUMBER: 250

TITLE: _____

DATE: 2-12-15 CONSENT-CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.
2015-0131h

STATEMENT OF INTENT:

COMMITTEE VOTE: 14-2

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Keith Curran
For the Committee

HB 250 final blurb.

MAJORITY

This bill, as amended, attempts to eliminate the age old practice of perambulation of town lines because of new advancements in GPS and electronic surveillance equipment like drones and; 'because it has become too hard and is being ignored by selectmen anyway.' Perambulation is the act of walking the town line with selectmen, or their designees, from adjoining towns and agreeing to the location of town property lines. Even using surveying grade GPS equipment brings one to the approximate location of a town bound and does not verify if the bound is still there or in need of replacement. It also does not show if recent development has encroached on town lines. Many instances were brought to the committee's attention where, after perambulation, property and even homes were found to be in a different town than what the tax maps showed. The fact that selectmen are not diligent in having this done is no excuse to eliminate it. The period of time between perambulations and imposing penalties for ignoring the statute might be a subject for change but the act of agreeing with your neighbor as to where your property lines are should not be eliminated. The notion that some selectmen are not physically capable of doing the perambulation was brought up but this is no different today than it was 100 years ago.

OK
Jim B
FR; 2/13