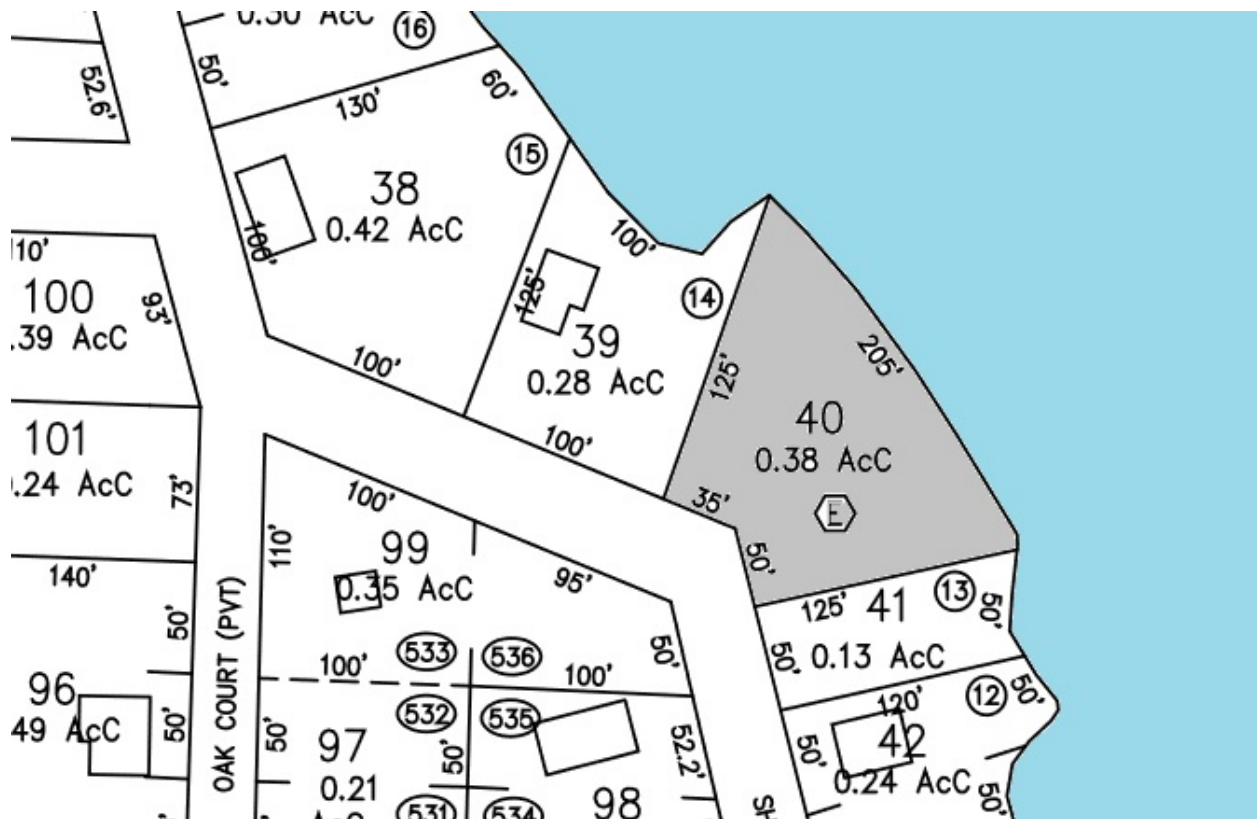


Harvey Lake Estates and the Beach/Boat Ramp

Researched by Bob Charest and presented to the members of the Harvey Lake Watershed Association on Wednesday, Sept. 19, 2018

The boat ramp/beach area at Harvey Lake in Northwood, New Hampshire, is a town-owned parcel of land (Tax Map Parcel 122 Lot 40) which contains 0.38 acres that slopes toward the lake on Shore Drive with 205 feet of waterfront. In the most recent assessment, this land was assessed at \$95,900. The lot boundaries are pie-shaped and start at a bend in the private Class 6 roadway known as Shore Drive, running in a northeast direction toward the common mean line of the water's edge for 125 feet. At the roadway, which is the lot's smallest border, the property line commences for 35 feet, takes approximately a 30 degree turn and commences another 50 feet.



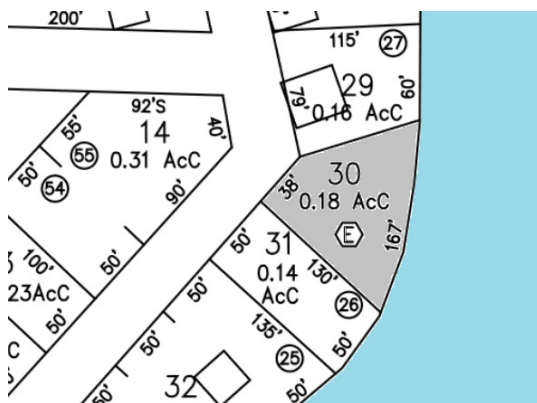
The problems:

1. This boat ramp has been town-owned since the corporation that developed Harvey Lake Estates went out of existence in the 1950s. The town does not maintain the area.
2. Over the years, the ramp/beach area has become overgrown, and due to continuing erosion, large boulders have surfaced which makes navigating the slope to the water treacherous for drivers and their vehicles.
3. The area is not patrolled or maintained (i.e., trash removal, lawn mowing, bush pruning) except by local residents who perform these duties occasionally on a voluntary basis.
4. The ramp is listed on the N.H. Fish and Game website as a public access site, and our Lake Host records over the years have indicated that fishermen use this access after visiting other lakes in

the area, some of which have aquatic invasive species. Making this a private area, while disqualifying us from the Lake Host program (because it is no longer a public launch) would allow us to limit access.

5. The developed lots on the tree-named streets (Oak, Elm, Pine, Birch, Bass, Ash) have beach rights associated with their property deeds. The Shore Drive ramp is one of two (formerly three) town-owned locations on the lake that have access to the water. All of the other 64 properties are privately owned.

Other town-owned waterfront lots on Harvey Lake:



Map 122 Lot 30 0.18 acres
located south of 76 Shore Drive
assessed at \$79,500



Map 123 Lot 29 0.27 acres
located south of 10 Shore Drive
assessed at \$18,800

Breaking news: Selectmen for the town of Northwood recently advertised several of the tax-deeded properties at Harvey Lake and **sold Lot 30 above**, as of Sept. 4, 2018.

Selectmen's meeting minutes of Aug. 28, 2018:

(Town Administrator Kate) Lafond stated that the board previously had her put out some town owned properties, non-conforming lots, out for sealed bid. She also stated that she had six bids. Selectman Bryer stated, Map 122, Lot 30, Shore Drive, the bid was for \$28,632.00. Map 122, Lot 94 on 24 Oak St. the bid was for \$3500.00. Map 117, Lot 12, \$500.00. Map 122, Lot 73 on Pine St. for \$2100.00. Map 122, Lot 30 on Shore Dr. for \$20,000.00. Map 122, Lot 94 on 24 Oak St for \$2551.00. Map 122, Lot 102 at 24 Ash St. for \$1,000.00. Discussion continued on a realtor selling these properties.

Citizen's Forum

Mr. Rick Wolf stated that it seems like the board is on a spending frenzy. He brought up the fire station for five, six million dollars. He brought up the Center School building and putting a new roof on and stated it would be throwing money away. He also stated that the air quality is no good in the building. He also stated the floor is falling in. Mr. Wolf stated that our trucks are in horrible shape. They have put

\$10,000.00 in the dump truck in the last year. Discussion continued on the truck. He feels they are going down the wrong path.

A citizen asked about the bid process for town properties and how they are handled. The Selectmen explained the process.

Mr. Wolf stated he would like to speak to one of the bids. The one on Harvey Lake, if a person buys the abutting lot next door they should not be allowed to join them to make one big lot so they can build on it. **He also stated when he was on the board it was decided that they would not be selling any lots in that area so they could be built on. He feels now the board is going to sell lots and let this happen.**

Selectmen's meeting minutes of Sept. 4, 2018:

Bids received for sale of town-owned property

The Selectmen reviewed the bids received. A few of the bid offers were much lower than the assessed value of the property and the amounts of unpaid taxes associated with the property. The selectmen agreed it would not be in the best interest of the town to accept those bids.

Selectman Bryer made a motion to NOT accept the bid offer for 54 Rita Circle in the amount of \$500, seconded by Selectman Boudreau. Motion carries; 3/0.

Selectmen Hodgdon suggested that the properties that the selectmen do not accept the bid offer for be put back out to the abutting property owners for the opportunity to rebid. Selectmen Bryer and Boudreau agreed with this.

Two bids were received for Shore Drive, Tax map 122, lot 30. One in the amount of \$28,632 and one in the amount of \$20,000. It is the town's policy to accept the highest bidder in the sale of town-owned property.

Selectman Bryer made a motion to accept the bid offer for Shore Drive, Tax map 122, lot 30 in the amount of \$28,632 and reject the bid offer in the amount of 28,000, seconded by Selectman Boudreau. Motion carries; 3/0.

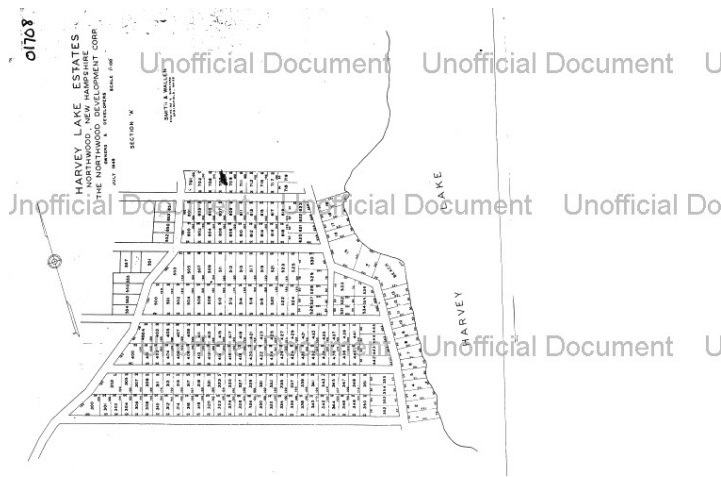
One bid was received for Pine Street, Tax map 122, lot 73.

Selectman Bryer made a motion to accept the bid offer for Pine Street, Tax map 122, lot 73 in the amount of \$2,100, seconded by Selectman Boudreau. Motion carries; 3/0.

Selectman Bryer made a motion to NOT accept the bid offer for 24 Oak Street in the amount of \$3,500 and the bid-offer in the amount of \$2,551 and to NOT accept the bid offer for 24 Ash Street in the amount of \$1,000, seconded by Selectman Boudreau. Motion carries; 3/0.

Letters will be sent to each bidder.

Harvey Lake Estates:



When first developed in 1949, Harvey Lake Estates consisted of 205 lots, and a plot plan was filed with the Rockingham County Registry of Deeds on Aug. 18, 1949, by Smith & Wallen, Engineers, 602 White St., Springfield, Mass., on behalf of Northwood Development Corp. (Plot 54, Page 8)

The N.H. Secretary of State's Office records a business creation date for the corporation as Aug. 10, 1949. Its principal office address was listed as "Manchester,

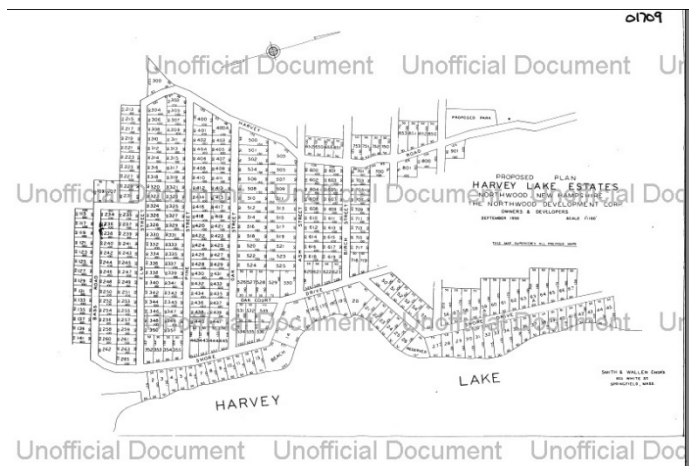
N.H." with no street address. There are no records on file, and the corporation is listed as "administratively dissolved" Jan. 5, 1953, with a business ID listed of 674696, tracking no. 0002784956.

Through the years, recorded on various deeds were the names of Kenneth F. Gorman as president of the Northwood Development Corp. (Rock. County Registry, Book 1232, Page 429) and Harold C. Burch as general manager (Rock. County Registry, Book 1721, Page 197). Some of the deeds are signed by Edward M. Wrenn Jr. on behalf of NDC (Registry, Book 1144, Page 423).

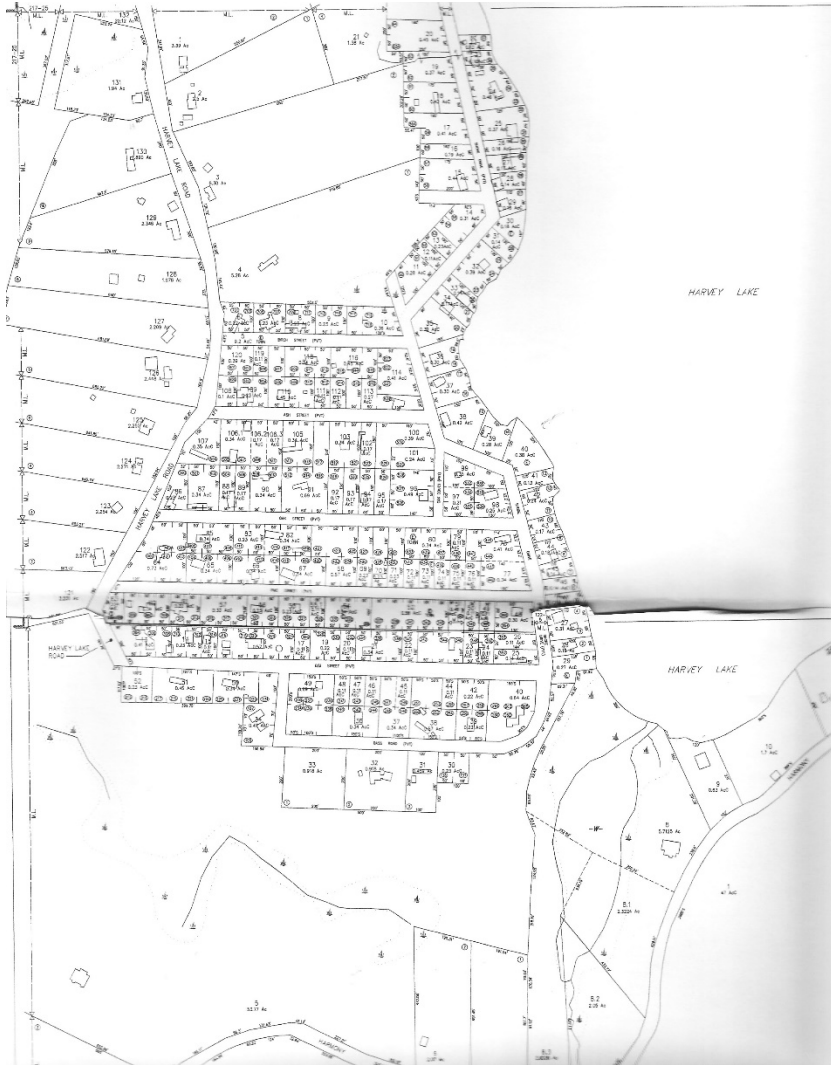
The earliest deeds on file at the Registry indicate a good portion of the land, about 130 acres, was once owned by Frank H. Bennett of Northwood, who bought it May 19, 1885, for \$500. He also purchased an adjoining parcel of eight acres for \$50, and owned both parcels until his death, at which time the property passed to his three children.

Ivory Bennett, one of Frank Bennett's sons, bought out his brother Percy H. Bennett of Haverhill, Mass., and sister Rose H. Foss of Northwood, and conveyed the property on Aug. 12, 1949, to Northwood Development Corp. for \$1. The parcel at that time measured 163 acres. (Rockingham County Registry, Book 1139, Page 251)

The Corporation refiled its plan with the Registry of Deeds on June 16, 1950 (Plot 01709), and the plot plan then increased to 311 lots and showed additional lots along the lakefront as well as the creation of lots on newly created Bass Road.



It should be noted here that in both plans on file with the Registry of Deeds, the area of the beach on Shore Drive (identified as "BEACH" in both plans) was on file as the legal access for the landowners of Harvey Lake Estates.



Further, each original deed conveying properties from Northwood Development Corp. to property owners set forth a series of conditions, including beach rights:

“Together with rights of way in common with others for all the usual purposes of a way over all streets and ways shown on said plan or upon any other subsequently recorded plan or plans which become a part of said development, and the right to use, in common with others, for community beach purposes, the beach or beaches shown on said plan or on such other or further plans.”

The other conditions as detailed in each deed:

“Said premises are conveyed subject to the following restrictions:

1. All sewage and sanitary arrangements must comply with State and local health ordinances.
2. No animals shall be kept or maintained on said premises except household pets.
3. Said premises shall not be used for any commercial or manufacturing purposes of any kind without the written permission of the grantor, its successor or assigns.
4. Any building with a wood exterior must be stained or painted with at least two coats of paint or stain, and no tar paper exterior finish shall be used.
5. No old buildings or structures shall be placed or maintained on said premises without the approval in writing of the grantor herein, or its successors or assigns.
6. There shall be no more than one single-family dwelling house of less than three hundred and twenty (320) square feet or being more than one and a half stories in height on any one lot. Any building for garage or storage purposes shall conform generally in appearance and materials to the dwelling.
7. There shall be no building, porch or projection extending nearer than twenty (20) feet from the front line of any lot, or within ten (10) feet from the rear or side lines, of any lot without written permission of the grantor, its successors and assigns.

8. The covenants contained herein shall be for the benefit and protection of the grantor, its successors and assigns, and enforceable forever at the behest of the grantor, its successors and assigns."

The current tax maps for the town of Northwood show the lots for Harvey Lake Estates more or less as depicted in the plot plan filed with the Registry on June 16, 1950.

Harvey Lake Improvement Association

The Harvey Lake Improvement Association was created Oct. 30, 1972, according to records on file with the Secretary of State's office. The corporation's mission was for the "provision and care of commons, roads and streets." Its address was listed as P.O. Box 88, Northwood, NH 03261.

The names on the Articles of Agreement are:

David C. Fogg, P.O. Box 81, Northwood, NH

Raymond E. Howe, P.O. Box 59, Northwood, NH

LaTerriere J. Fitzpatrick, 159 Dallaire St., Manchester, NH

Raymond J. Caron, 233 Union St., Portsmouth, NH

William F. Plausky Sr., Granada Ave., Roslindale, Mass.

As far as I can determine, all these officers are deceased. Raymond Caron's son, Gary, still lives on the lake, at 86 Shore Drive. He did state in an email message to me that he knew of no surviving documents for the association and stated, "Raymond was my father and the first owner of a waterfront lot in the newly developed (Harvey Lake Estates) in 1950. I entered the Navy in 1972 and wasn't around here for 8 years but am aware of the association. They wanted the town to give up the boat ramp because the town never maintained it and the condition was nearly unusable, the association invested in cleaning it, upgrading it and making it usable again after over 20 years of neglect when the developers sold off all the lots and divested themselves from the estates. There are two other lake access lots that have never been developed for public access, one next to Nichols and one next to last cottage off Bass Road."

The association attempted to make their authority over the beach and boat ramp more permanent by submitting a warrant article to the Town Meeting on March 10, 1973.

The 1972 Annual Town report lists the warrant for the following year's town meeting, and Article 23 as submitted states:

We the undersigned residents of Northwood, do petition the Town of Northwood, N. H. to return to the organization known as the Harvey Lake Improvement Association the four (4) parcels of land as indicated on the original Harvey Lake Estate map attached to this petition forthwith. (By Petition)

1. The following are parcel No. 1 – that abuts Raymond Howe property on the southerly side known as Lot #1.

2. The parcel No. 2 – commonly known as the Public Beach and abuts to Charles Faulkner property on the North-erly side known as Lot #14 and Guilfred Boisvert property on the southerly side known as Lot #13.

3. The parcel No. 3 – as indicated on the map that abuts

to the Harold Johnson property on southerly side known as Lot #27.

4. The parcel No. 4 – as indicated on the Harvey Lake Estate map that abuts to the Lewis McIntosh property on the northerly side known as Lot #45 and extends to the southerly side of the brook.

5. We the undersigned do agree to give the right-of-way to the following abutters known as George V. Linscott property, Allen and Kenneth Barton property and any other parties who have deed rights within the original Harvey Lake Estate map boundaries. (By Petition)

The official record on file in the Town Clerk's Office (Volume 18, Page 410) for the deliberative session minutes has a notation that reads, "indefinitely postponed." I could find no other records of that town meeting to indicate why the article was not acted upon.

The Harvey Lake Improvement Association was dissolved on Jan. 2, 1986, according to the Secretary of State's office.

Other town involvement

Over the years, there have been other town meeting actions relative to Harvey Lake, most notably:

An attempt in 1966 to make Harvey Lake Road a town-maintained roadway: Article 15 at the 1966 Northwood Town Meeting deliberative session: To see if the Town will vote to accept as Town Road the Right-of-Way known as Harvey Road, leading from the State Highway (Rt. 202-4-9) into Harvey Lake Estates and ending at Elm Street so called, being approximately 40 feet wide and 2,665 feet long as shown on plan Harvey Lake Estates prepared by the Northwood Development Corporation. (The above article is by petition.)

Here are the official minutes recorded in the Town Clerk's files:

Motion made. Perry Richardson asked as to why this road should be accepted as Mr. Low had explained that this road is plowed out by the town for children to go to school. It gets summer maintenance the same as other roads get that care. Three reasons stated by Mr. Low to be thought of first before accepting it as such were:

1st, 6 miles of town road may be opened through there in the next few years. Property is selling through there. Do you wish to make a new road there when the residents buying property in there may have to make a road through here.

2nd, we couldn't accept the road while they are selling property in there. The road is not wide enough to get machinery in for use.

3rd, the precedent you would be setting here would cover miles of back roads. We couldn't take care of them without widening them too. If this road is accepted road (maintenance would) then the other roads may well want to be accepted too and road maintenance would increase by a large amount. Mr. Low was challenged as to why the town sells property in this section but will not accept

the road and why when the selectmen are asked for money for gravel and culverts the answer is take it up at the town meeting.

Mr. Low said people think the town is making all kinds of money but with the grader, loader, labor, gravel, etc., used, there is little left. As for the Long Pond Estates, they charge so much a lot to take care of roads, but that is done privately.

Motion was made to indefinitely postpone this article and was passed by an affirmative voice vote.

Article 15 defeated, not adopted.

Article 23 at the Town Meeting deliberative session on March 11, 1970:

To see if the Town will vote to convey to George V. & Dorothy I. Linscott a right-of-way across land owned by the Town in Harvey Lake Estates at a location designated by the Selectmen. This right-of-way is to allow George V. & Dorothy I. Linscott to exercise their deeded equity to the Beaches in Harvey Lake Estates.

Mr. Low explained that land was bought from (Ivory) Bennett, then sold to Barnery Brother, then sold to Dorothy Wesley, all rights to beach were included since then. This strip of land was not picked up under tax title. Court cleared title to land. The selectmen would give Mr. and Mrs. Linscott all right of way (as fifty feet is too small for other use) to Harvey Lake Estates.

Motion made to accept article as written, second and adopted by an affirmative voice vote.

Article 23 adopted.

At the deliberative session of March 13, 1976:

33. To see if the Town will vote to accept and maintain the main trunk road, known as Harvey Road, located in the Harvey Lake Estates Development.

The petition, dated October 5, 1975, was as follows:

Board of Selectmen
Town of Northwood
Northwood, New Hampshire

Gentlemen:

We the undersigned, being more than ten voters of the Town of Northwood, request that the following article be included in the Warrant for the Annual Town Meeting to be held in March of 1976:

To see if the Town will vote to accept and maintain the main trunk road, known as Harvey Road, located in the Harvey Lake Estates Development.

Respectfully submitted,

Bernard Tasker	Kenneth C. Hobart
Jean Hodgdon	Kenneth Hobart, Jr.
Maurice Hodgdon	Cecelia M. Hobart
Jeremiah Keane	Harriett J. Peterson
Mary W. Keane	Richard S. Peterson
John G. Walsh	Joann LeClair
Rudolph E. LeClair	Steven F. Anthony
Wayne Hall	Andrew Brown
Richard Dowst	Diane Dowst
Shirley Tasker	

The minutes of the deliberative session on March 13, 1976, indicate:

“After much discussion a show of hands was called for – Yes 66 No 40 – article adopted.

Agreement and release regarding building permits for Class VI and private roads:

Going back to the early 1990s in the Rockingham County Registry of Deeds, the Town of Northwood began employing a form which it has property owners sign when building permits are issued on Class VI private roads. This form states:

“Whereas the relevant portion of said _____ upon which the OWNER’S real property fronts a Class VI Highway or Private Road as classified by the New Hampshire Revised Statutes Annotated 229:5, a private way not currently a municipal highway.

“THEREFORE, the TOWN and OWNER on behalf of themselves, their heirs, legal representatives, successors and assigns, covenant and agree as follows:

“The TOWN shall allow OWNER to construct a residence pursuant to the building permit issued by the TOWN on the OWNER’S property on _____ Road.

“The Town neither assumes responsibility for maintenance, including snow removal nor liability for any damages resulting from use of said road.

“OWNER, individually or through a neighborhood association, shall be responsible for maintaining access to the subject property and does hereby forever release and discharge the TOWN, its officers, agent and employees from the obligation of maintaining the aforementioned ROAD, and from any claim of any nature, whether in tort or otherwise, which the OWNER might have against the TOWN for any loss, damage or personal injury, including those incurred through failure to provide municipal services, including police, fire and ambulance services, arising out of the condition of the roadway from the point wherein the aforementioned road is deemed as Class VI or private road.

“OWNER assumes responsibility for the transporting of any children to the nearest regular bus stop.

“OWNER assumes responsibility for the maintenance and repair of said road, and agrees that at their expense or at the expense of themselves and other owners of property similarly located property on said road, to a suitable width for travel, and to repair the traveled portion of said road, in good and passable condition.”

This discussion took place at a Zoning Board of Adjustment meeting on Feb. 22, 2016, as recorded in the minutes:

PRESENT: Chairman Roy Pender, Vice-Chairman Tom Lavigne, Curtis Naleid, Doug Pollock, Board Administrator Linda Smith, and Secretary Lisa Fellows-Weaver

Ms. Smith states that the selectmen have requested a joint meeting with the planning board and ZBA. She explains the planning board's role with the RSA 674:41 process and they are required to review and comment on every private road building permit that comes through. She notes that many do come thru to the ZBA as well and sometimes it is being done at the same time.

She explains that the planning board has a concern about the private roads within Harvey Lake Estates specifically due to the fact that this area is all small lots with no association created or any type of maintenance agreement for these private roads. She states that the planning board recently reviewed an application for this area and commented to the selectmen to not approve any more building permits in the Harvey Lake Estates area until an association for maintenance of roads is created.

She states that the state statute also requires the selectmen to approve building permits on private and Class VI roads and the planning board and selectmen are concerned with this area because of the small lots and the fact that these roads are in rough condition.

Mr. Lavigne understands the concern of the selectmen as this puts the town at risk with safety issues. Mr. Pollock asks why they are focused just on this area.

Mr. Lavigne notes that the roads in this area are in very poor condition in some spots. Discussion ensues. Ms. Smith states that when this issue began it was enforced by being tied to the 1,000-foot mark of the planning board's subdivision regulations, which requires that you cannot build a new road with a single access point longer than 1,000 ft. She states that a public hearing was held; a policy in place that was never adhered to and new criteria has been developed.

Ms. Smith explains that planning board members have a concern about the number of variances that are granted for undersized lots and other items that are far from the standards. She states that variances are intended to be exceptions for unique circumstances and pre-existed. She states that another board may see that the voters put in requirements for lots 40+ years ago and it was change to 2 acre lots in the 1990's. She states that when an ordinance is put into place it is for everything and does not grant rights beyond what existed at that point and time. These lots were existing. She explains that the ZBA has authority to look at these issues with many vantage points. She states that this board takes into consideration updated structures, water quality issues, new septic systems; however, the lots in the Harvey Lake Estates are very small and do not meet many of the requirements.

She states that she feels that the selectmen would like to understand the roles of the planning and zoning board relative to road frontage. Further discussion ensues regarding the spirit of the ordinance and how the ZBA conducts their review process to grant variances.

Ms. Smith states that the statute requires the homeowner to sign a waiver agreement for liability that there is no obligation for the town for access to their property. Mr. Naleid suggests that the town write

a special exception for a lot without frontage with criteria that there is a road association in place; requirements to be met could be added as well. Ms. Smith states that would be an option.

Ms. Smith also notes that there is also a special exception option now for non-conforming lots; a lot that was pre-existing can be built based on prior to December 31, 2005, lot that is under 80,000 sq. ft. She reads the ordinance noting septic requirements, well radius, and setbacks. Discussion ensues.

Further discussion is held. Mr. Naleid states that the town will be forcing the creation of associations for developments on private roads and taking the liability from the town. Mr. Pollock states that this issue is all over town and within the lake areas not just within Harvey Lake Estates.

Mr. Lavigne states that it is not easy to be fair and the ZBA must deal with each and every issue and on individual basis. He states that this area was created 40 years ago and now must be dealt with. Mr. Pollock states that these new houses are a drastic improvement to the area. Ms. Smith states that this board must wrestle with the issues of new buildings, septic system, wells, water quality, etc.

Ms. Smith states that the planning board and zoning board each have very different roles. She feels that this meeting will be good for all to become informed and understand. Mr. Pender suggests that the conservation commission be included in the joint meeting.

Historical Perspective

(This portion is still being researched. Various documents have surfaced which contradict other historical documents. As a case in point, it is not at this time known if John Harvey actually built Wigin Hall. More research is needed.)

In her book, "A Guide to the History and Old Dwelling Places of Northwood, New Hampshire," (P.E. Randall, publisher, Second Edition, 1992) Author and Northwood resident Joann Weeks Bailey gives an overview of the origins of the colonial beginnings of Harvey Lake.

The area has been considered the town's center (it's actually a bit west of the actual center of town) because of the location of the town hall. This village area also later contained the academy and congregational church. However, while other areas of town had shoe factories and the resulting building boom, the center did not. It did have more inns and taverns than other sections of town, owing to the turnpike, the main travel route from the seacoast to the northern reaches, which ran through the area. For most of the 19th century and the early part of the 20th, First New Hampshire Turnpike west of this area remained unsettled for a distance of a mile or more. Those in the eastern part of town had to pay for upkeep of the entire road since there were no highway taxes collected on the western end. This caused ill feelings.

In 1791, the General Court of New Hampshire authorized a committee to survey and lay out a road between Durham and Concord, which became the First New Hampshire Turnpike. The road runs the length of Northwood, and the town's many taverns accommodated travelers. At one time, there were some 12 sawmills in the town, five of which were replaced by shoe factories.

Harvey Lake, once known as Harvey Pond, was named for the family that settled the area, more specifically, the four men named John Harvey – father, son, grandson and great-grandson - who lived in the area for a combined 75 years starting in 1772. Three of their homes still remain.

The first John Harvey (**known in the record as Col. John Harvey**) was born in Amesbury, Mass., on Aug. 4, 1745. He married Sarah Blake in 1771. She was a sister of the Blakes who settled Blake's Hill. (Blake's Hill Road is named for the family.) Harvey and Nicholas Blake of Epping both bought adjoining lots of acreage on what now corresponds to Coe Brown Academy property as well as the old Veasey farm.

John and Sarah Harvey's house was on the north side of the pond (current day address: 938 First N.H. Turnpike). The records suggest he built a smaller house closer to the shore of the pond, then possibly built the home now known as Wiggin Hall (now owned by Coe Brown Academy and used as a fine arts center) which at the time was considered a mansion. Their second son, John, was born in 1774. (Their first son, Joseph, was born in 1772. He died at age 10.)

John Harvey joined General John Stark in 1775 to fight in the Revolutionary War, most notably at the Battle of Bunker Hill. He stayed with the military until 1781, retiring with the rank of lieutenant. His title of "Colonel" was probably due to his service in the state militia and first appeared in records around 1788. Sarah and John had two more children after his return from service: Sarah (May 5, 1785-June 11, 1874) and Joseph (named for his late brother; born Oct. 13, 1787, died in 1826).



931 First N.H. Turnpike, built by Col. John Harvey around 1782. It was an inn for many years.

Col. Harvey expanded his land holdings and built a large home, probably the present-day home at 938 First N.H., Turnpike. The record indicates he fell on hard times and sold much of his property. He left his wife Sarah and three children and went to Falmouth, Maine, (later Westbrook) where he lived at the home of widow Azuba Quinby, and died in February of 1812. Recorded in a family history in the National Archives is a notation that he kept a diary that has been passed down through the Quinby family. A descendant described the diary around 1907, saying the owner at the time refused to have it published. He is buried in Westbrook, Maine, in an unmarked grave.



938 First N.H. Turnpike, the home built by Col. John Harvey around 1800.

John Harvey the son, born April 16, 1774, died May 2, 1849, **(known in the record as Judge John Harvey)** was in his 20s when his father left the family. This would have placed the date around 1799 to 1800. He set on a mission to reclaim the family property and name. His ambition led him from being a hotel keeper to a president of a bank in Exeter, head of a manufacturing company, to state senator and Rockingham County Probate Court judge.

Daughter Sarah married Deacon Jonathan Piper April 27, 1806. They operated the Piper Tavern in Northwood, a well-known (at the time) tavern that hosted President James Monroe, General Lafayette and Daniel Webster. It was also called the Veazey House, where the central telephone switchboard was located. The Piper Tavern building is gone, but a granite monument remains in its former location on the grounds of Coe Brown Academy near the playing fields on the north side of the turnpike.

Judge Harvey was married twice, first to Betsey Mead of Newmarket, in 1797. They had two sons, John Jr. (born June 16, 1799, died Oct. 10, 1834) and Charles. Betsey died in 1814, and he married Dolly Frost Wentworth of Dover. They had two daughters.

(Judge) John Harvey was engaged in business for many years at what is now called Northwood Center. Commencing in early life with limited means, by close application to business and strict integrity of character he succeeded. A man of fixed principles and perfect system in all his undertakings, he had the respect of the people of his town and county, who placed him in positions of responsibility which he filled to the satisfaction of all.

Speech of R.S. Prescott given at the centennial celebration of the town of Northwood, Sept. 6, 1873

Judge Harvey gave John Jr., his son, the home built by his parents after he and Dolly moved in 1820 to the more extravagant home and inn across the street.

Sarah (Blake) Harvey (Col. Harvey's widow and Judge Harvey's mother) died in Northwood in 1827 and is buried in the Harvey Lake Cemetery.

John Harvey Jr. married Adaline Batchelder of Northwood and was, like his father, a businessman and civic leader, including sheriff of Rockingham County, but he died young, at age 35, in 1834, leaving his widow with seven children, the youngest of which was less than a month old.

Judge Harvey and his second wife Dolly moved back across the street to the family homestead. They both died in 1849.

Their daughter, Margaret Ann, and her husband, S. Clark Buzell, lived in the Harvey House.

John Harvey Jr.'s second child, also John Harvey, (born March 6, 1821; died March 19, 1848) was the last of the succession of John Harveys, and Joann Weeks Bailey in her book on Northwood history hints that old church records suggest he may have been more deserving of exile than his great-grandfather. Like his father, he died at a young age (27)

The Harvey House served as an inn open to the public for more than a century, closing around the time of World War II. The sign painted over the front door indicates the date of its construction as 1782. The original Harvey Lake Inn sign is on display inside the Northwood Historical Society building on School Street. Nowadays, the former inn property is a rental property with one commercial unit, four one-bedroom units and one three-bedroom unit. Recently, a sign appeared there advertising a second-hand shop.



The tradition of the flag flying in Harvey Lake has been ongoing, off and on, since before the 1880s. Over 138 years ago, someone unknown drilled the hole in the large boulder and displayed the flag for many summers. The headmaster of Coe's Academy in 1886, Rev. Herbert Armes, was impressed. However, he moved away and did not return to Northwood until after 1900, when he revived the practice for many years. After Rev. Armes' death, his son, H. Lyman Armes, carried on the custom. He died in 1967, and nowadays, a neighbor on the lake brings the flag out every Memorial Day and removes it around Labor Day.

The way forward

There are several ways to proceed as an association. I have identified four ways below. There are possibly more.

Village District

Northwood has experience with village districts. The water system is operated as one, and a district at Northwood Lake was formed a few years ago for taking care of roads in a section of the lakeside community. Another village district is currently being determined at Northwood Lake. Voting on that district is set for Sept. 25, 2018. Village districts are formed by the registered voters who live within the district.

Our proposed district at Harvey Lake has approximately 100 homes, or 152 properties, with a combined evaluation of about \$20 million, with roughly half of those year-round residences. To petition the selectmen to form the village district, 10 registered voters are needed. These voters must be registered in the town of Northwood.

To create the district leadership, three voters must be willing to serve as commissioners, plus one to serve as treasurer and another to serve as moderator.

As determined by state law, village districts have a narrow set of purposes, according to RSA 52:1. these include:

- (a) The extinguishment of fires;
- (b) The lighting or sprinkling of streets;
- (c) The planting and care for shade and ornamental trees;
- (d) The supply of water for domestic and fire purposes, which may include the protection of sources of supply;
- (e) The construction and maintenance of sidewalks and main drains or common sewers;
- (f) The construction, operation, and maintenance of sewage and waste treatment plants;
- (g) The construction, maintenance, and care of parks or commons;**
- (h) The maintenance of activities for recreational promotion;**
- (i) The construction or purchase and maintenance of a municipal lighting plant;
- (j) The control of pollen, insects, and pests;
- (k) The impoundment of water;**
- (l) The appointing and employment of watchmen and police officers;
- (m) The layout, acceptance, construction, and maintenance of roads; and**
- (n) The maintenance of ambulance services.

I've boldfaced the purposes I believe apply to Harvey Lake.

The state law that allows village districts is RSA 52. The law states that upon a petition of 10 legal voters, the selectmen must call a public hearing. At this hearing, the voters who attend decide if they shall form a district and determine the boundaries of the district. The voters will then give the district a name and choose the necessary officers until the first annual meeting (RSA 52:2).

In the case where the village district is being created to control a dam, the boundary must be approved at the annual Northwood town meeting. A village district can be formed for one purpose, and then later can add or delete any of the above purposes by vote of the district per RSA 52:6. Once the boundaries are set, they may be changed. Per RSA 52:5, in general, upon the receipt of a petition, the selectmen shall notice a hearing to change the boundaries, after which they may change the boundaries.

Per RSA 52:21, the district may be dissolved at an annual meeting and with a 2/3 vote of the district's legal voters who are present and voting at the meeting.

The village district is governed by a board of commissioners, elected by the village district voters (usually at the annual meeting by those who attend.) The village district must also elect a moderator and treasurer. The Northwood Budget Committee has authority over the district's budget, just as it would town departments.

At the village district annual meeting (held before May 1 every year), the members present decide the budget and are able to vote to raise money by taxes, user fees or other revenues. The state Dept. of Revenue must then be sent all supporting budget documents and establishes a tax rate, even if that rate is \$0. After DRA calculates the tax rate, selectmen assess the tax for the district and the town tax collector includes it in the semi-annual billing. Only property owners in the Harvey Lake Village District boundary will be assessed the tax.

A village district may be dissolved at an annual meeting and with a 2/3 vote of the district's legal voters who are present and voting at the meeting.

In regards to the dam, upon formation of a village district, the voters may then contract with the NH Department of Environmental Services Water Division to construct, operate, and maintain the dam on the water body. The village district then makes payments to DES for all construction, operation and maintenance expenses. Authorization for appropriations is made by a 50 percent vote of the legal voters of the village district. DES then assumes all obligations and liabilities resulting from such construction, operation and maintenance of the dam.

In regards to the roads, the district would set a budget and then contract with private plow operators to repair and plow the roads.

There are about 80 village districts in New Hampshire. Most of these are either water or fire precincts. A few of these are lake districts, including Emerald Lake in Hillsborough, Granite Lake in Munsonville, Sawyer Lake in Gilmanton, and Sunrise Lake in Middleton.

There is also an Association of N.H. Village Districts (website: nhavd.org) that has useful information on its website and can serve as a resource.

The N.H. Department of Revenue is the agency that sets the village district tax rate. The forms necessary to do so are on their website, along with useful information for village districts.

The commissioners of the district set the budget, and the district is ruled by Municipal Budget Law, which means a budget must be created (if it isn't budgeted, it can't be spent); the town Budget Committee reviews it; and whoever shows up at the village district's annual meeting votes on it.

It is the commissioners who operate the district, which includes calling regular meetings (including the annual meeting), and contracting with construction firms, snow plow operators, etc., to care for the roads.)

Then there is the issue of taxes. The town sends out a separate tax bill to the people in the village district; the town collects the tax and if people don't pay, it is the town that files the tax liens. The town is responsible for sending the village district a check each year for the amount raised.

The tax rate is based on the number of properties within the district and the annual budget.

Preliminary figures indicate that there is approximately \$19 to \$20 million in assessed property within the proposed district. The tax rate would be set based on the district's annual budget. For discussion purposes, let's say the district's annual budget is \$20,000. This means that based on assessed value, the district's tax rate would be \$1.07 per \$1,000 of assessed valuation (\$19 million divided by \$20,000). This

means that the owner of a \$250,000 property would pay \$267.50 per year to maintain the roads.

Two main ways a village district funds itself are by taxes and fees. With a tax, everyone in the district pays. With a fee, the village district commissioners decide how the fee is assessed, and only certain services are charged, or certain residents. The Harvey Lake Village District could charge fees for certain services; i.e., plowing, grading, etc.

Tax Increment Financing (TIF) District

Barbara T. Reid (800.852.2358 ext. 3308 or breid@nhmunicipal.org) wrote the following. She is Government Finance Officer for the New Hampshire Municipal Association.

Tax increment financing (TIF) is a public financing tool used to help spur economic development in areas that may otherwise be left to fallow in the wind. Introduced in California in the 1950's, TIF has been used in most states across the country, including New Hampshire. While many TIF districts have seen distressed, blighted or abandoned areas turned into thriving neighborhoods or business centers, there is significant opportunity for failure if conservative principles and practices are not adhered to during the design, implementation and management of a TIF program, creating a costly, long-term financial burden on taxpayers. Ironically, and for these reasons, TIF is now discontinued in California—where it all began. However, here in New Hampshire, there are a number of TIF success stories, and, if best practices are followed, your municipality could successfully finance its economic development dreams.

The concept of TIF is relatively simple: property tax revenue generated within an established TIF district is split into two components. The first is the property tax revenue based upon the “original” assessed value of all properties within the district boundary as of the date the district was formed. The second is the incremental, or increased property tax revenue that is based upon the difference between the current assessed value of the new or redeveloped properties in the TIF district and the original assessed value of those properties. This is known as the “captured” assessed value, meaning that the incremental amount of property taxes generated from the increase in property values as a result of capital improvements within the TIF district is captured or “retained” to pay for TIF debt service and other operating costs. Once the TIF program is completed (typically when the debt has been paid off), then the incremental assessed value is returned to the tax rolls.

Let's look at a real-life example. According to the report filed by the Town of Enfield's Tax Increment Finance Committee, the original assessed value of property in their TIF district was approximately \$32 million in 2009. As a result, in part, of the water/sewer improvements completed under the TIF plan, the current assessed value of those properties in 2015 was approximately \$44 million, resulting in an incremental increase (the retained captured assessed value) of \$12 million. Based upon their 2015 property tax rate, this incremental assessed value generated \$303,843 in tax revenue retained for TIF district expenses, well in excess of what is needed to make the annual debt payment of \$162,246 on those infrastructure improvements.

It's very important to note that a TIF assessment is significantly different from a betterment assessment. With a betterment assessment, certain properties are assessed an amount in addition to the regular property tax assessment, resulting in additional taxes. With a TIF assessment, there is no additional amount charged to the properties within the TIF district. The taxes are based upon the most recent

assessed value of the properties times the current property tax rate, just like all other properties within the municipality. However, when tax revenue is received from properties within a TIF district, it ends up in two different places: some to the general fund (based upon the original assessed value) and some to the TIF fund (based upon the incremental assessed value). Taxpayers within a TIF district see no difference in their property tax bills than they would otherwise.

Benefit of TIF. The primary benefit of TIF is its use to promote economic development by providing a financing option to fund infrastructure improvements for which it might otherwise be challenging to garner legislative body approval. TIF allows a municipality to use the property tax revenue generated from the new or refurbished development to pay for the infrastructure improvements that were necessary to incentivize the construction of those new or refurbished properties. These infrastructure improvements are usually funded by the issuance of general obligation bonds that must still go through the normal bond approval process under RSA 33 (the municipal finance act) and receive the required two-thirds vote of the legislative body (or three fifths in the case of an SB2 form of town meeting). However, TIF makes the bond approval an easier “sell” since the incremental tax revenue from the properties within the district will be used to pay off the debt, rather than an increase in taxes on properties throughout the municipality. In other words, TIF creates a dedicated revenue source that allows infrastructure improvements to be self-financed by the properties directly benefiting from those improvements.

Minimizing Risk of Failure. As previously mentioned, there can be significant risk with TIF, primarily the risk that the incremental assessed value of the properties within the district does not materialize, leaving the municipality with the obligation to make the required debt payments on the infrastructure bonds, but without the anticipated incremental tax revenue to do so. In such a situation, the financial burden of the debt repayment would be included in the municipal property tax rate and assessed to all properties within the municipality, not just those within the TIF district. However, there are two principles that may be used to help minimize the risk of such a scenario: the “but for” requirement and the “bird-in-hand” concept.

But For. Some states have a “but for” requirement, and while New Hampshire’s TIF statute does not mandate such a requirement, it is an important principle to help insure a successful TIF program. Simply stated, but for the fact that the municipality established the TIF district and financed the necessary improvements, economic development would not have occurred in that area. This certainly makes sense: why would a municipality pay for costly infrastructure improvements if a business was already willing to develop the property without those improvements? In other words, no development would have occurred without the municipal improvements; or the value of properties in that area would be much less without those municipal improvements.

Statutory Authority. The statutory authority for municipalities to establish a TIF district and implement a TIF program is found in RSA 162-K which includes adoption procedures, hearing requirements, size limitations, expansion provisions, finance plan requirements, annual reporting, administrative powers and advisory board responsibilities.

Taxes

RSA 162-K:9, III specifically requires that prior to the formation of a TIF district, the municipality must meet with members of the school board in which the district will be located to explain the fiscal and

economic implications of the proposed TIF district. Since only the original assessed value of the properties in the district, not the incremental assessed value, will be included in the tax base of the school district for the duration of the TIF program, the school district will not immediately benefit from any of the new development. So why would a school district support a TIF program? The answer is but for – but for creation of the TIF district, there will be no development and no increase to the school districts tax base. With the TIF district, an increase to the school district tax base will occur when the TIF program is completed and the incremental assessed value, not just the original assessed value, is included in the tax rolls. Also, as a result of TIF district development, some municipalities have experienced increases in development just outside the TIF district boundaries which immediately boosts the tax base for both the municipality and the school district.

Dream Come True. Some TIF programs have been far more successful than anticipated, meaning that the incremental assessed value exceeded expectations, providing more incremental tax revenue than needed for debt payments and operating costs. In such cases, the municipality may decide to refinance the bond to pay it off sooner, make an extra debt payment (as the Enfield TIF Advisory Committee decided to do), or as provided in RSA 162-K:10, II (b) return a portion of the “excess” incremental assessed value to the tax rolls.

Excerpt from 2015 Enfield Annual Report

With a well thought-out, reasonable and conservative plan, the use of TIF can help provide the dollars needed to jumpstart a development project and turn a field of dreams into reality!

Additional resources. Information about TIF can be found on the New Hampshire Office of Energy and Planning website at www.nh.gov/oep/planning/resources/tif.htm. Additionally, the Government Finance Officers Association publishes “An Elected Officials Guide to Tax Increment Financing” and a best practices advisory paper on Creation, Implementation and Evaluation of Tax Increment Financing, both available at www.gfoa.org.

Betterment Assessment

A betterment or special assessment is a special property tax that is permitted where real property within a limited and determinable area receives a special benefit or advantage, other than the general advantage to the community, from the construction of a public improvement.

Betterment/Special Assessments - RSA 231:30

Betterment fees are an annual charge to help cover the cost of putting a water or sewer line in your neighborhood. Under our current policy, betterment fees are based on half of the total project cost divided by the total number of hookups connected to your particular line. This cost is divided over the number of years of the bond payment to pay off the construction costs. The other half is calculated in the water or sewer rates and charged accordingly to all water and/or sewer users in town. The bills are issued annually in April and are due in May. They cover the time period from April 1st of the year they are issued until March 31st of the following year. Since these are bond payments we are collecting, we cannot collect them in advance if you were to move. The betterment payments are attached to the house and are billable to whoever is the owner of record as of April 1st of each year. If you are selling

your house, your attorney may prorate the amount over the year. You must speak to them about making arrangements for that.

231:28 Conditional Layout for Existing Private Rights-of-Way or Class VI Highways. –

Whenever, pursuant to the provisions of this chapter, the selectmen receive a petition to lay out roads over existing private rights-of-way or to lay out a class V highway over an existing class VI highway and such private right-of-way or class VI highway does not conform to construction standards and requirements currently in effect in the town, the selectmen may conditionally lay out roads upon compliance with betterment assessments as provided in this section and in RSA 231:29-33. Prior to commencement of conditional layout, however, a public hearing shall be held, written notice of which shall be given by the appropriate governing board to all owners of property abutting or served by the private right-of-way or class VI highway, at least 14 days before the hearing, at which hearing details of the proposed construction, reconstruction or repairs, and the estimated costs thereof shall be presented by the selectmen. Conditional layout proceedings may commence 10 days following the public hearing unless within that period a petition not to conditionally lay out said thoroughfare signed by a majority of the owners of property abutting or served by the existing private right-of-way or class VI highway is received by the selectmen. If a highway is so laid out, the selectmen may construct, reconstruct, repair or cause to be constructed, reconstructed or repaired such highways, streets, roads, or traveled ways to conform in every way with the highway or street construction standards and regulations previously established by the town. The betterment assessments shall be assessed under the provisions of RSA 231:29.

Source. RSA 234:23-a. 1979, 166:1. 1981, 87:1. 1989, 134:1, eff. July 16, 1989.

231:29 Betterment Assessments Against Abutters and Those Served. – The cost of constructing, reconstructing or repairing such highways, streets, roads or traveled ways shall be assessed by the selectmen against the owners of property abutting or served by such facilities in an amount not exceeding the entire cost of constructing, reconstructing or repairing the same, and the amount so assessed upon each such owner shall be reasonable and proportional to the benefits accruing to the land served. Said assessments may be payable in one year or payment may be prorated over a period not to exceed 10 years, in the discretion of the appropriate governing board. All such assessments thus made shall be valid and binding upon the owners of land so abutting or served by these betterments.

Source. RSA 234:23-b. 1979, 166:1. 1981, 87:1, eff. April 20, 1981.

231:30 Liens for Assessments. – All assessments made under the provisions of RSA 231:29 shall create a lien upon the lands on account of which they are made, which shall continue following the assessment until fully discharged in accordance with the terms set by each governing board or in compliance with any court judgment. Such assessments shall be subject to interest and such other charges as are applicable to the collection of delinquent taxes.

Source. RSA 234:23-c. 1979, 166:1. 1981, 87:1. 2001, 158:34, eff. July 5, 2001.

231:31 Collection of Assessments. – Betterment assessments authorized under RSA 231:29 shall be committed to the collector of tax with a warrant under the hands and seal of the appropriate governing board requiring him to collect them; and he shall have the same rights, authority and remedies and be subject to the same liabilities in relation thereto as in the collection of taxes.

Source. RSA 234:23-d. 1979, 166:1. 1981, 87:1, eff. April 20, 1981.

231:32 Abatement and Appeal of Betterment Assessments. –

I. Any person aggrieved by a betterment assessment made pursuant to RSA 231:29 may, within 2 months of the notice of tax date and not afterwards, apply in writing to the selectmen or assessors for an abatement of the betterment assessment.

II. Upon receipt of an application under paragraph I, the selectmen or assessors shall review the application and shall grant or deny the application in writing within 6 months after the notice of tax date.

III. (a) If the selectmen or assessors neglect or refuse to abate the betterment assessment, any person aggrieved may either:

(1) Appeal in writing to the board of tax and land appeals, upon payment of a \$65 filing fee; or

(2) Petition the superior court in the county where the property is located.

(b) The appeal to either the board of tax and land appeals or superior court shall be filed within 8 months of the notice of tax date and not afterwards.

IV. For purposes of this section, "notice of tax date" means the date the taxing jurisdiction mails the betterment assessment tax bill.

V. Each betterment assessment tax bill shall require a separate abatement request and appeal.

Source. RSA 234:23-e. 1979, 166:1. 1981, 87:1. 2001, 158:35, eff. July 5, 2001.

231:33 Repair and Maintenance. – After the betterments authorized by RSA 231:28 have been completed by a town, the highway agent or other duly authorized official under the direction of the selectmen shall have charge of all further repair and maintenance of such highways, streets, roads and traveled ways, and such highways shall be maintained, repaired and reconstructed by the town in which they are located without further assessment of the owners of property abutting or served by said facilities.

Source. RSA 234:23-f. 1979, 166:1. 1981, 87:1, eff. April 20, 1981.

Neighborhood Association

This is probably the least enforceable of the options we have available to us as a lake community.

Because the formation of an association would not be linked to a property deed (as in at least one other lakeside development in Northwood; i.e., Long Pond), any membership and dues structure is strictly voluntary. People may or may not pay an annual fee without repercussions, such as a lien filed against a property.

Long Pond Estates and its successor, Long Pond Property Owners Association, has a clause in each property deed allowing “the right to collect from the owners of each lot shown on said plan recorded as Plan 03371 at said Registry the annual sum of \$36, in accordance with the provisions of each deed of the grantor conveying said lots.” (The annual sum has since increased to \$300 per year.)

Harvey Lake has no such clause in its deeds, other than the provisions mentioned above.

Reason for making the boat ramp a private area:

The Harvey Lake Watershed Association’s mission is to preserve the quality of Harvey Lake for the use and enjoyment of residents. Our interest in the boat ramp is directly related to our mission to preserve the quality of the water in the lake. No better example of the degradation of the lake is shown than in a video made on Sunday, July 15, 2018, during a fast-moving summer thunderstorm at 3 p.m. To see the effects of the storm, please see the video online at <https://youtu.be/HgP9TKAatGk>



What you will witness is the nutrient loading of the lake in a short span of minutes. The rainwater that drains into the lake is carrying all kinds of contaminants from the surrounding properties, whatever those might be. (It would not be unusual to find petroleum-based products, gasoline, fertilizers, pesticides, septic system contaminants, etc.) The Comprehensive Shoreland Protection Water Quality Act regulates what can be done 250 feet from the high water mark, but obviously, the contaminants are coming from much further back in the watershed.

Possible reasons that would preclude making the area private

The area has been considered a public access site for many years, possibly decades, as listed on the N.H. Fish and Game Department's list of public access sites. Having been open to the public for so long, a legal ruling would have to be obtained on whether the law of adverse possession applies in such a case. Fish & Game may be able to make the case that this is a public area, even though it was established as a beach for the Harvey Lake Estates lots developed in 1949.

Residents who live on Harvey Lake, but not the part once known as Harvey Lake Estates (i.e.: Harmony Road, First N.H. Turnpike, Lukfin Drive), do not have deeded beach rights to the ramp/beach area on Shore Drive. Some special consideration would need to be made to grant access to these property owners if the area were to be made public.

Currently, there is no organization created that would serve as a caretaker for this beach area. There is as yet no entity created for this purpose.

Sources

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