

BOARD OF SELECTMEN

SEPTEMBER 28, 2020

MEMORIAL BUILDING

4:00 P.M.

The following are to be considered draft minutes until approved by the Board.

Selectboard present in the meeting room: Tamara Butcher, Chairwoman, Dick Hendl and George McCusker.

Others present in the meeting room Wayne Smith and Whit Smith.

Present via ZOOM: Mark Stetson, George Foley, and Ed Shank.

Mark Stetson, Assessing Supervisor from Avitar Associates gave report of the valuation update just completed. The total valuation of the town increased 17%. The process involves looking at a two-year window of sales. The last update was done in 2015 with only 38 sales at that time. There were 71 sales this time. The market is up right now, sales are moving quickly, and prices have escalated in the last 6 to 8 months. There were 31 hearings held remotely, with 8 properties requiring further inspection. The number one question was what impact the assessment will have on the next tax bill. The total value increase could off-set a tax rate increase. Mark stated the process went very smoothly. Board members extended their appreciation to Mark for the presentation and wished him well in his new endeavors.

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, September 28, 2020.

Here is a summary of permit applications and Zoning Coordinator activity.

Application for Permit – Acted Upon, APPROVED

1. Mr. Kevin Blanchette, 1694 George Hill Rd., 12' x 16' free-standing deck behind the house. Zoning Coordinator has been out to the site and area for the planned deck is marked. No wetlands issues, no set back issues, and the structure will be less than 35' tall. Based on site visit there does not appear to be any home business or commercial activity at the location. Applicant has represented the same on the Zoning Permit Application. Zoning Permit approved per delegation of authority.

2. Mike & Kathy Thomas (through their agent, Old Hampshire Designs, by Wendy Parker) to build a house with attached garage at 219 Colby Hill Road. Plans have been reviewed and are on file at the town offices. No setback or wetlands issues. There is an existing culvert under the drive allowing drainage into non-designated wetland as shown on the Springfield wetlands mapping tool. South elevation plan shows the height of the structure (grade to the top of cupola) as 32 feet. Zoning Coordinator has been out to the site and area for the planned house is marked. Currently lot is vacant and applicant through their agent represents there is no home business or Commercial/Industrial activity. Zoning Permit application approved per delegation of authority.

3. Mr./Mrs. Laurie, Hogg Hill Road (house number not assigned), would like to build a log home with 2 bedrooms and an office; and a detached garage (no living space). Septic design has been modified to a plan for four (4) bedrooms as requested by the Select Board. Mr./Mrs. Laurie

modified/amended their application at the Select Board meeting on September 14. Accordingly, their modified plan was approved by the Select Board.

Following the Select Board meeting, on Thursday, September 17, Mr./Mrs. Laurie attended and requested from the Planning Board an approval to have two (2) dwelling units on the parcel (allowed under the Zoning Ordinance with Planning Board approval). The Laurie's presented evidence that the lot could support two (2) dwelling units (Dombrowski LLS #557 & DES #458 drawing). Planning Board approved conversion of the planned garage into a second dwelling unit.

Open Applications - In Hand, But NOT Acted Upon.

4. Dell & Wendy Rice, 2680 Main Street, to build house with detached garage. The Rice's received a Special Exception (with conditions) from the Zoning Board of Adjustment to build according to plan prepared by Clayton Platt, Surveyor No. 833. Zoning Coordinator and Mr. Hastings, a member of the ZBA, went to site and found the planned structures staked properly and accurately on the site according to the plan approved by the ZBA. Application indicates fee paid by applicant \$250. Note: Fee for "New Residential Structure > 1600 sq.ft." is \$250; fee for "all other structures requiring a zoning permit > 500 sq.ft." is \$50. Structures will be less than 35' tall and there appear to be no wetlands issues. Upon visiting site, there was no evidence of commercial/industrial activity or Home Business (vacant lot). Applicant(s) have represented the same on the application.

And, on a lighter note...

5. Luke & Annika Munholand, 2803 George Hill Road, have filed an application for a 13' x 20' (260 sq.ft.) mobile shelter for goats built to be skidded by ag-tractor so that goats may enjoy seasonal food as part of a healthy diet. According to the applicant, the shelter will be well-braced and mounted on steel plate (not to exceed 7500 lbs.) for easy movement using mid-size tractor. It is not clear where this goat shelter fits within the Zoning Ordinance definition of a structure. Since it is intended to be moved on a seasonal basis, is it like a sap tank shelter on skids (not a structure)? But it is considerably larger than a 10' x 10' sap tank shelter, and from a distance, when not being moved, it certainly would have the appearance of a structure... It is going to have walls, windows, and doors. These goats will be raised by the Munholand kids (pun intended) and are for family use – milk, goat cheese (yum) and perhaps the occasional Birria De Chivo stew (delicious). But then again, when moved, it would be in a different location than before. Would a new zoning permit be required? And what about setback requirements? If it is determined to NOT be a structure, it could be located next to the lot-line with no requirement for a 35' setback. The Munholands parcel is quite large. There is plenty of space in which to locate this planned mobile goat shelter.

The Planning Board has been advised regarding this case. Awaiting interpretation. In the meantime, Munholand has filed the application and paid the fee. Mr. Keith Cutting, Chair of the Agricultural Commission, has also been provided with the information in this case.

Zoning Coordinator would appreciate direction from the Select Board on this one. Thanking the Board in advance.

Other Matters.

A. Resident has two residential dwellings on his property. One is an old structure built in the 1950's probably with additions over the years. Resident would like to replace the old structure as he is tired of spending money making repairs. He wants to know what is involved to take the old structure down and replace it, probably with a mobile/modular unit.

B. Attended Planning Board meeting (Laurie request to convert planned garage to second dwelling unit) and review of proposed noise ordinance.

C. Attended Planning Board workshop – continued review (and markup) of proposed noise ordinance.

D. Follow-up with Yankee Barn homes regarding development of “retired” properties in Eastman section. Septic plan. Nothing further to report.

E. Request regarding whether a zoning permit is required for a heat pump condenser. Note: The Planning Board decided that a permit is NOT required for a heat pump (sometimes referred to as a “mini-split”).

<< September 27, 2020 >>

Whit reported the Laurie's request for two dwelling units on their lot 04-552-495 on Hogg Hill Road has been granted by the Planning Board on September 17, 2020.

Dell and Wendy Rice Zoning Permit for a single-family residence has been approved.

Whit asked the Board for their recommendation regarding the request from Munholland for a moveable goat shed. The Select Board agreed to await the determination of the Planning Board as to whether this requires a permit, and what happens when the shed gets moved around the property.

Board members reviewed a letter of interest from the Village District of Eastman making inquiry as to acquisition of town-owned property in the vicinity existing VDE property. They are researching an area on their property for the possibility of additional well-heads and are looking at the town-owned lot(s) for potential access. Tamara reported Dick has been researching the RSA's and how this may be done. There have been conversations with Town Counsel as well. There are no real decisions yet as to how to do this. Dick stated it seems it can be done with a sealed bid advertisement, but Shawn is concerned about procedures of RSA 80:80 II and III. Dick has researched warrant articles back to 1970 and it appears there is nothing relative to 80:80 II. The Board will review this further with Shawn.

Follow up Deer Hill Trust Letter: The copy of the Covenants was not available prior to this meeting for Tamara to read. A new copy was not able to be downloaded due to a technical issue between the registry of deeds and the office computer. Tamara will review the Covenants once they are received. The discussion will be tabled to the next meeting.

Dick reported the court hearing with Select Shepherds is tentatively scheduled for October 8th.

The next meeting of the Board will be held on Tuesday, October 13 due to the Columbus Day Holiday.

Board members reviewed the four property owners in jeopardy of tax deeding on October 13th. The Board agreed to send out letters requesting to meet with the owners at 6:00 p.m. on the 13th of October.

New Business:

Dick was contacted by Senator Ward she would like permission to make a presentation to Vera Rivard at one of the meetings. Dick told her he would bring it before the Board, and if it were approved, she would have to at least extend the invitation to her three democratic colleagues. The Board had no problem with that and suggested the 26th of October.

Board and Department updates:

George reported Nichols Hill, Cemetery Road, and Shad Hill have been paved. The paving he has seen looks good. Twin Lake Villa has not been done yet. They have finished shouldering the roads that have been paved. They ordered some more gravel. They are getting read to blow leaves. Peter was extremely ill over the weekend and is out of work today. Protocol was suggested. The Board tabled further discussion to later in non-public. They are looking on putting a new door on one of the trucks and are working on some lights.

Tamara reported Alex Moskalenko is concerned that the culvert is going to wash out when it rains. She has taken pictures. It does not look like it was done very well and may not have been put in right. This is the culvert across from Alex's driveway, on the opposite side of the road it has not even rained yet and the dirt is going into the ditch at the top of the road.

Dick asked George about the Planning Board Work session on the Noise Ordinance. George did not attend the meeting. Whit reported they spent quite a bit of time talking about what noise regulations ought to apply to existing businesses versus new businesses. The work session was not well attended, with two or three members of the Board not there. They did recognize that treating existing businesses differently than new businesses is problematic. They were struggling with the decibel level. The loudest concerns were around the fact that this ordinance used language from the Manchester NH noise ordinance as a form with a lot of hard work put in by Dan and Tim to adapt this to the realities of Springfield. The consensus is to keep working on it and to redraft the sections that deals with exceptions. There was quite a bit of discussion whether it is an ordinance or bylaw. The Board recognizes noise needs to be addressed, but they are struggling to address that in a fair and equitable way. They are talking to other business

owners on an ad hoc basis. There was discussion about how to treat one-off noises, like fireworks or weddings, and issuing of one time or ongoing permits. There is a strong sense that the authority for permitting should be the responsibility of the Selectmen and not delegated to an individual. The Planning Board is moving forward and recognizes there is more work to do before they decide whether to take the next step with this document. The current Zoning Ordinance refers to obnoxious behavior including noise and mirrors the State's statute. He questions why that has gotten such a label as being unenforceable. Enforcement has also been discussed at length. George stated he has those same concerns. They are continually throwing out the Selectmen's name, the health officer's name, the police department. George stated he has a problem in that they just keep throwing out terms, and it is not in anyone's purview right now to enforce and questions whether any of this is enforceable in any way. Whit stated this is a problem that has been identified and brought to the attention of the Town and is not going to resolve itself, but it is not going to be easy.

Ed Shank, President, Mascoma Valley Snow Travelers attended because he was told there was going to be discussion from the letter that came from Star Lake and Mr. Trachy. Tamara stated she must review the copy of the covenants and restrictions. The discussion has been tabled until the next meeting. Ed stated MVST would like to be on the agenda for October 13th to request permission for use of town property and roads.

George Foley asked to comment on the assessing process. He did follow up with the assessor and found it unsatisfactory. Fundamentally the explanation he received is that sales data is being used to reestablish values, but no data was provided. He commented that doing his own research on the data, he is not able to support the numbers. His concern is there could be a tax rate across the board if the millage rate remains constant. What is taken into consideration setting the tax rate? Since a large part of it is school, is that something the Select Board deals with. He was interested in how setting the rate works. Tamara stated the Selectmen have no control over the school or county rate, and historically the Select Boards members and Departments have done an amazing job of keeping the budget level and the rate stays similar year to year. The tax rate gets set sometime in November by the State. Dick encouraged Mr. Foley to contact Art Bobruff, the town representative on the school board. School board meetings are open to the public and via zoom. There are also meetings of the municipal finance committee as an adjunct to the school board. [Representative of the MBC is Luke Gorman]. Those two individuals represent Springfield and participate in setting the budget. A large portion of the budget they oversee has to do with union agreements.

Wayne Smith stated he had an issue with Avitar about the evaluation of his property and was told there is basically not much that can be done because the market is "screaming" right now. He questions what happens in two years when the market is not screaming and that was not one of the things that factor in.

Whit reported the Internet Advisory Committee met last week and decided to continue to meet as the process progresses so they can help to channel questions and answers through the town because they have a good working relationship with Consolidated Communications. They will

not meet on a regular basis and have withdrawn the notice of continuing meetings. Their next meeting will be Tuesday, October 13th at 7:00 p.m. The Committee wants to be sure Consolidated follows through with having their registration process ready by the middle of October. The biggest question he gets is whether a priority will be given for families with students who are doing remote learning. Pre-registration will be key in establishing priorities.

Signatures: Cemetery Deeds
Yield Tax Assessments

A draft of estimated revenues State MS 434 form was made available for the Board to review.

The Board will attend a ZOOM meeting with Alex of the Upper Valley Lake Sunapee Regional Planning Commission on Wednesday, September 30, 2020 at 1:30 p.m. to review their work on transportation corridors.

Miscellaneous Business: George asked if anyone on the lake draws their drinking water from the lake. If so, the town could appeal to the person from the State who oversees water. He did not recall the man's name or the state board. This person might be able to assist with the problem on the lake. Dick said he does not know if water drawn from the lake is used for drinking. If they use it, it is for showering or cooking and they bring in bottled water for drinking.

At 5:32 p.m. Motion made by Tamara to move into non-public session per RSA 91:A-II Personnel. The motion was seconded by Dick and unanimously approved.

At 6:10 p.m. the Board moved back into public session. Motion by Dick to seal the non-public minutes, seconded by George and unanimously approved.

At 6:11 p.m. the meeting adjourned.

Submitted by,

Janet Roberts,
Administrative Assistant

DRAFT