

BOARD OF SELECTMEN

June 28, 2021

MEMORIAL BUILDING

4:00 P.M.

The following are to be considered draft minutes only until approved by the Board at their next meeting.

The meeting was called to order at 4:00 p.m. and began with the Pledge of Allegiance.

Selectmen present: Tamara Butcher, Chairwoman, Dick Hendl and Amy Lewis
Others: Whit Smith, Mike Lawlor, Corey Swenson, Theresa Quinn, Ali Conlon and Chief Michael Beaulieu

Scheduled Appointments:

Corey Swenson – review of wetlands - Corey stated that he was aware there was an issue with the equipment on his property. His solution is to have no equipment on the property unless it is a piece of equipment they are using; when the equipment is done being used it can go. Tamara asked what the plan was for taking care of the items that Corey had put in the wetlands area. Corey has most of that taken care of, he will be touching it up a bit; everything is all back to where it was originally. Whit pointed out on a map where the items have been moved to stating that the hundred-foot buffer doesn't apply because none of it is a structure. Dick asked about the unregistered vehicles on the property. Corey said they belong to his girlfriend's son, who has been made aware that they need to be removed.

Dick reminded Whit of a question that was asked at the last meeting regarding wetlands, believing Whit was going to contact DES to find out if the town has enforcement authority over the designated wetlands. Whit will go through his notes to locate the answer from DES.

Theresa Quinn and Ali Conlon – Request from Kolelemook Lake Protective Association - Theresa, president of the KLPA, and Ali Conlon, KLPA vice president, are trying to increase their visibility and participation in the protection of Lake Kolelemook. Some of the services the KLPA offers to the town are regular water quality monitoring, weed watching, keeping invasive species out of the water through the lake host program and the lake smart program. The KLPA would like to request being able to use the town marquee to advertise their annual meeting, this year it is August 21st. They would also like to be able to advertise the occasional barbeque or fundraiser they might have. The KLPA would also like to have a link in the community links on the town's webpage. Tamara stated a few years ago there was a discussion about organizations/groups that are not town sponsored. It was decided they would not be allowed to be put on the website. Ali asked what is considered town sponsored. Dick explained town sponsored would be a sub-division of the town, like the library and historical society, etc. Anything that gets resources for direct town support.

Ali noticed in the minutes from May 24th that the historical society is a 501c3, as it is a charitable organization, which makes it independent from the town. Ali stated the KLPA is in the process of becoming a 501c3, however they are a non-profit charitable organization. Ali doesn't

understand how the KLPA differs from the historical society. Ali stated the KLPA are trustees per se, they are looking at the lake quality and taking care of the lake of which is the town beach. They have the lake host program where people come in to check the boats coming in to make sure they don't have invasive species, they run water quality testing, all of that can be argued that is in the benefit of the town and town beach. The KLPA are stewards of that water, which doesn't seem different than the historical society which is stewards of the history of the town and they are operating on town property.

Tamara stated if the KLPA is trying to increase their outreach the town website is probably not the place to do it. Tamara suggested the use of the Springfield Community Page on Facebook; there is an unbelievable amount of traffic on there. Ali appreciates that, and respectfully disagrees. As a newcomer to town, Ali goes to the town website all the time. Ali also feels the marquee would be beneficial, everyone goes to the post office and the marquee is very front and center. The KLPA is looking to have equal use of the marquee and the website as the historical society. The KLPA's annual meeting was always advertised on the town marquee but were then told they could not use the marquee. Dick stated the use of the marquee stopped because the precedent was set because other organizations had also asked to use the marquee to the point where the town had so many requests that the board felt a limit needed to be set. Again, the KLPA is just looking to have it equally applied in the fairness for their organization, particularly regarding the historical society.

Tamara stated the KLPA does sound similar to the historical society, the major difference being that the KLPA has not yet obtained their 501c3. Ali informed Tamara the papers are all filled out, it will be submitted soon. Amy has no issue resuming the use of the marquee as it is for something specific to the town. Janet asked about insurance coverage; there is insurance coverage for the beach, however she is not sure what the policy would be for an organization to come in and hold an event.

Whit added that in the case of the historical society much of the decision hinged on the fact that the historical society is deemed to not be involved in a governmental function and the test there was if the historical society were to go away would there be any requirement or sensibility for the town to step in and do what it was doing. In the case of KLPA, or the town beach, if some of the features that are being provided by the not-for-profit citizen group were to go away would the town have to step in to ensure that water quality and the recreational facilities associated with it would continue. That is a distinction between what the KLPA may be doing and what the historical society is doing. Whit said our outside lawyer gave us the information on whether or not the historical society would be required to go through the permitting process because towns are not required to do that if they are engaged in a governmental function. The question is, does the KLPA rise to the level where they could be deemed to be doing something that if they were not doing it, would it be incumbent upon the town to take on some of the responsibility. Ali stated there is no question that if the invasive species took hold the town would have to remediate that if they didn't that water would be gone. Remediation can cost thousands of dollars or more; the KLPA would cover the remediation as best they could with the funds they

have. If they didn't have those funds to cover that remediation it would fall upon the town to do so.

Whit said if there was a major function at the town beach, in terms of a barbeque or an awareness-raiser then you are tying up the town beach with that event when others in the town might have been planning to take a swim. Ali stated if the decision is no then she would expect that given the historical society is a charitable organization and independent from the town of Springfield they would also no longer be able to put things on the marquee; and that would be fairly applied to all charitable organizations.

Dick stated that twenty-five years ago the Kolemook Lake Association consisted of five people. There was no weed watching or a lake host. It was through the efforts, mostly of Ken Lawson, that the lake host program got started and that was because NH Lakes offered their support. There is no statutory requirement to do anything that the lake association does. To answer Whit's question if the lake association went away, it would not be incumbent upon the town to take on any of those responsibilities, as he understands, except for maintaining the beach and testing the water in the swimming area, which we already do. Ali asked if there was a statute/requirement to maintain the items in the historical society. Tamara answered no.

Tamara stated we will need to contact the town's insurance company to determine the liability coverage of an outside organization. Tamara asked that the selectboard be kept informed when the KLPA's 501c3 is approved and we will revisit it then. Tamara stated the KLPA is comparing themselves to the historical society, they are a 501c3, when the KLPA becomes one then they will be on even terms. Ali asked when the KLPA became a 501c3. Tamara said that information can be found on the website, but it has been a long time.

Zoning Permits:

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, June 28, 2021. Here is a summary of permit applications and Zoning Coordinator activity.

Application for Permit – Acted Upon, APPROVED

1. Corey Swenson (Robert H. Lane Testamentary Trust, Claudia Swenson, Trustee), 658 Sanborn Hill Rd, would like to build a garage next to his house. The location of the garage is fine. Zoning Coordinator has been out to the site and has discussed the plan with Mr. Swenson. There are no wetlands issues, no setback issues and the structure will be less than 35' tall. Zoning Coordinator did not observe any commercial or business activity and applicant has represented the same on the application. Zoning Permit APPROVED per delegation of authority.

2. Pam and Kurt Laurie, 652 Hogg Hill Rd, would like to place a propane fired generator next to their newly constructed garage with second dwelling unit (approved by the Planning Board September 17, 2020), Zoning Coordinator has been out to the site and has discussed the plan with Ms. Laurie. There are no wetlands issues, no setback issues and the structure will be less than 35' tall. Zoning Coordinator did not observe any commercial or business activity and applicant has represented the same on the application. Zoning Permit APPROVED per delegation of authority.

3. Joachim & Ilona Raia, would like to build a house out on George Hill Road (house number not yet assigned) Zoning Coordinator has been out to the site and the location for the driveway was located (driveway permit application has been filed). The location for the 3-bedroom single story house has been staked. Lot has not yet been cleared. There are no setback issues and no wetlands issues. Structure will be less than 35' tall. Zoning Permit APPROVED per delegation of authority.

4. Leah Greene, 1327 Stoney Brook Road, (a) 26' x 28' garage with (b) addition to the main house as a connector to the garage, and (c) a 12' x 44' pole barn type shelter for camper. Zoning Coordinator has been to the site (staked out) and reviewed the plan. There are no wetlands issues, and the structure(s) will be less than 35' tall. Ms. Greene did receive a variance for the location of the garage (15' of relief; no closer than 20' from the rear lot line); no setback issues with the other structures. Zoning Coordinator did not observe any commercial or business activity and applicant has represented the same on the application Zoning Permit APPROVED per delegation of authority.

5. Mr./Mrs. Wheeler, Bowman Road, would like to build 24' wide x 40' deep garage with an additional 24' deep shed/shelter on the back (same roof line as the garage) resulting in a 24' x 64' structure. There are no wetlands of setback issues, and the garage/shed will be less than 35'.

Regarding commercial activity, it is well known that Mr. Wheeler is a plumber and has a busy plumbing and heating systems business. Zoning Coordinator has been out to the site and discussed with Mr. Wheeler both the project and the nature of his plumbing/heating business. The garage and shelter will not be used for any aspect of the business. In fact, there is no heavy equipment on the site to support the business. When Mr. Wheeler needs trenching or digging in connection with a job, he sub-contracts the dirt work. The Wheelers have represented on their application that there is no home business or other commercial activity. None was observed during the visit to the site, which was conducted without prior notice to the Wheelers. Customers do not visit Mr. Wheeler at his home and there is no signage for the business. No building on the site is used to fabricate materials for jobs. Mr. Wheeler operates his business out of his truck and all plumbing activity occurs off-site at customer locations. Supplies and materials are delivered to job sites by suppliers. Unused material is returned to the supplier; waste is disposed of (not stored) at the conclusion of the job. This assessment was reviewed with the Chair of the Planning Board. Accordingly, no home business or commercial activity observed, and applicants have represented the same on their application. Zoning Permit APPROVED per delegation of authority.

6. Mr. Ricard and Mr. Romaskiewicz, 342 Shad Hill Rd, would like to place a 4' x 8' shed in the woods on the property. Zoning Coordinator has been out to the site and the location for the shed was properly marked with stakes. Lot is heavily forested. There are no setback issues and no wetlands issues. Structure will be less than 35' tall. Zoning Permit APPROVED per delegation of authority.

7. Ms. Rylee Preston, 112 Philbrick Hill Road, additional Zoning Permit application to build roof over deck (creating porch). This was treated as a "supplemental permit" application. Zoning Permit APPROVED per delegation of authority.

8. Mr./Mrs. Donnelly, 2563 George Hill Road, would like to install/place a patio in front of their house. There are no wetlands of setback issues, and the patio will be less than 35'. No home business or commercial activity observed, and applicants have represented the same on their application. Zoning Coordinator has been out to the site and discussed the project with Mr. Donnelly. Zoning Permit APPROVED per delegation of authority.

Applications Reported Previously – Still Open

9. David and Elizabeth Erickson, to build a cabin off Morrill Road. Still waiting for plan.

Other Matters.

A. Letter for contractor explaining Permit process for delivery to bank in order to release funds – construction mortgage (Downing letter; Baxter, Megan)

B. Piispanen matter involving expansion of structure in conservation overlay area; Information from Mike Howard regarding additional living space now planned for house on Baptist Pond Road. Plan has been modified again – now to tear down entire structure and rebuild from the ground up – this will increase living space in the building. Expansion of structure in protected zone requires Conditional Use permit per Section 8.2 (pp. 27-27) of the Zoning Ordinance. It is anticipated that the matter will be heard by the Planning Board at their July meeting.

C. Inquiry regarding existing site plan for residential build (?) (Lemp; Meadowbrook)

D. Meeting w/ Chair of Planning Board (Butcher present) regarding PB Process and Piispanen matter

E. Inquiry regarding shoreland protection (Rhee)

F. Review and prepare form materials for use by Planning Board in Conditional Use Approval hearings.

G. Follow up with Clayton Platt regarding wetlands and requirements for lot to support second dwelling unit. (Vassallo)

H. Prepared for Town of Springfield (Springfield Historical Society – tenant) an application to the Zoning Board of Adjustment for Special Exception to build barn on non-conforming lot encroaching into the rear setback.

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Whit read through his report drawing attention to a few items.

Whit had an extensive conversation with Mason Wheeler (5) addressing the issue of whether this constitutes a commercial activity or a home business requiring a site plan. The answer is he's not engaged in a home business under our home business definition. There is no heavy equipment on

the property, no customers, no signage. He is basically an on-call contractor. The garage he is planning to build is for all his personal stuff. Whit included Tim Bray in this, and he confirmed that.

Mr. Ricard (#6) has paid the application fee and is now all set.

Whit did a letter for Mr. Downing (A) who is clearing land for Megan Baxter on Hazzard Road.

Item B is the Piispanen summer camp/year-round residence on the shores of Baptist Pond. There was quite a bit of back and forth. Whit leaned on Tamara as the chair of the selectboard to step in. Whit stated that Mike Howard, a member of the planning board, has recused himself from any decision-making processes with the planning board and is now acting as the agent for the property owner. And application for conditional use approval was filed with the town today and will be heard at the July 15th planning board meeting. Assuming all goes smoothly, and the conditional use is approved Whit is taking the unusual position that the conditional use is a requirement, but a zoning permit to expand the structure up, not to increase the footprint, is not required.

Dick asked about the adequacy of the DES permits under this new plan of Mr. Piispanen. Tamara stated the engineer for the project did contact DES and they told him what they have is adequate. Dick would like to see a letter from DES stating the two permits cover the work desired. Amy would also like to see this in writing, something to attach to the permit. Dick expressed concern since the structure is almost in the water, and there has been a significant change in the plans. We have seen two DES permits in writing, they were not based on razing the building. Dick would like to see a third document with DES letterhead and Robert Scott Commissioner that says those two DES permits, X and Y, cover your tearing down the building and rebuilding from scratch. Whit has an email with answers from DES and the engineer, he will forward this information to the selectboard.

Scheduled Appointments Cont.:

Tamara stated the board is under the impression that thirty days plus has passed since trucking started when Pete unposted the roads. Tamara asked for an update from Art. Art stated they are not hauling out of there as of Friday or Saturday. Art stopped hauling because he believed that the bond is no longer valid. Art moved two machines out last week and will be moving the other two out shortly. Janet forwarded the board an email with Mr. Lindquist response to the invitation to tonight's meeting. Al has told Art the bond is still good; however, Art will not haul until the town has what they need. Art has been told by Todd Osgood that he had about a week's worth of work and then he would be done for a couple of months before needing any more.

Whit said the next step would be to reclaim the land and repair the road. Tamara agrees, this needs to end somewhere. Dick asked Art what the financial impact is to him personally if he has to stop hauling at this location. Art said there would be no financial impact. Instead of hauling out of that pit he will haul out of his own pit on Bog Road. Art said material is already up there to reclaim the property. The biggest problem is there is large pile of asphalt left up there, which

is small compared to when he started. Art did send out water samples from the pond, which came back fine. There is no run-off contamination. Amy asked Art if he still had an interest in purchasing the property. Art said it depends, he doesn't want to have to deal with road issues and other issues that may come up. Art doesn't remember that Sanborn Hill Road being paved in the last twenty years. As far as the bond, it's Al that needs to handle that. Whit said there is clearly a commitment that funds would be available to provide for road repair and reclamation and believes that number is \$135,000. Whit suggests, as he doesn't believe there is a bond, that someone contact the bank and inform them the project is complete by the passage of time not by the removal of the remaining material and we want to make our claim for all the \$135,000 and provide an estimate. Tamara said the next step is to have an engineer from Horizon's Engineering and Peter Abair figure out what is needed to fix the road. Tamara will contact both parties and go from there.

Sandy Burke appeared before the board with a concern of the traffic on Route 114, particularly approaching the beach. Sand would like to know if it is possible to put a sign on both ends of the beach warning that there is a beach present. Unless you know it is there, the visibility of the beach is not very good. Tamara pointed out that it is a state road so is unsure if we as a town can put signs up. Dick stated the library had to get permission from the state to put up the two library signs. Dick said the process is not complicated, it just takes time; he will look into this.

Minutes of June 14, 2021:

Dick made a motion to accept the minutes as written for June 14, 2021. The motion was seconded by Amy and unanimously approved.

Court Status:

There is nothing to report.

Unfinished Business:

There has been no update on the skateboard park. Dick has contacted Miles and has not heard back. He will try again.

Janet had a contact from Thomas Levins who is the engineer for the George Hill Road culvert. The town needed to contact abutters to get permission for the installation of the culvert, which may mean minimal disturbance on their property. Tamara remembers Mike Hansen saying he did that. Janet said there hasn't been any DES permits submitted to the state yet. Janet made a request to town counsel for an abutters letter and Christine Fillmore will be drafting a simple letter that can be notarized for those property owners to grant permission for that culvert. Tamara believes that Mike Hansen was handling that, she will contact him.

Board and Department Updates:

Dick shared that the library has changed its hours. They will be opening at noon Monday through Thursday; they will continue to remain open until 6pm on Thursday and will open Saturdays from 9am to 11am.

The library is also going through the scholarship criteria to see if they need to change how the applicants are evaluated for scholarships.

Amy said the stop the bleed class at the fire department went very well. The fire department also hosted a trust exercise and they all went to play paint ball on Saturday.

Signatures:

Annual inventory form request.

Miscellaneous Business:

Whit received a text from Ryan Peterson, he was unable to attend the meeting but was asking to be informed of how the meeting went in regard to the mill. Whit will inform Ryan that the board is focused on it.

Mike Lawlor informed the board that the loggers down behind his house on the class VI road are almost finished and will be pulling there equipment out soon. Mike suggested that Pete should go out and check that road.

At 5:48 p.m. Tamara made a motion to enter into non-public session to discuss personnel and the police department per RSA 91-A:3. The motion was seconded by Dick. By roll-call vote this was unanimous.

The board discussed added security for town property.

The board moved back into public session at 6:10 p.m. Tamara made a motion to seal the minutes discussing personnel. The motion was seconded by Amy. Dick, Tamara and Amy voted in favor of the motion.

The meeting was adjourned at 6:13 p.m.

Jill Hastings

Deputy Administrative Assistant