

BOARD OF SELECTMEN

October 26, 2020

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 George McCusker
Others present: Leigh Callaway, Kevin Rivard, Darcie Rivard, Margaret Rivard, Vera Rivard, Senator Ruth Ward, Don Hill, Whit Smit, Peter Abair, Darrin Patten, Ken Jacques, Mark Laughlin and Sgt. Michael Beaulieu
Zoom Attendees: SueAnn Kazenas and Sheridan Brown

Scheduled Appointments:

Senator Ruth Ward presented to Vera Rivard a resolution from the NH Senate, which she read aloud to Vera. The resolution from the senate recognized Vera for her remarkable 14 hour, 10-minute English Channel swim. Senator Ward stated she knows what Vera is planning to do next and asked if there were plans for it yet. Vera said the Catalina swim is not planned yet, but it is in her future. Vera thanked Senator Ward. Senator Ward expressed how happy she was to be here and proud to have a young woman like Vera accomplishing something like this and wished her all the best.

Minutes of October 13, 2020:

Dick stated the minutes were written accurately. However, Dick was contacted by the Historical Society and was told he misrepresented their position in terms of the internet. Dick stated it's not that the Historical Society wants the internet, they were inquiring about the possibility of having the internet. They don't need it right now, but they wanted to know if they could ask for it later. Tamara believes the Historical Society may be able to set it up, so they have the internet for a period like June to September. Tamara made a motion to accept the minutes as written. The motion was seconded by George and unanimously approved.

Mark Laughlin had spoken with officer Beaulieu about his neighbors. Mark stated his neighbors are not adhering to their agreement of the noise; they have equipment that is not approved to be run down there. Mark said it sounded like there was a board planer running all day yesterday, stating it was so noisy he had to leave his property. Mark added he did not make these rules; they have 9-5 Monday through Friday, 9-1 Saturday and nothing on Sunday. Mark would like to know who enforces these rules. Tamara stated the select board would be the ones to enforce these rules. Mark feels he has been more than patient, but they are not adhering to the rules at all. Tamara asked if it was noise for the business or if it was personal. Mark feels it was for the business. Mark said they have been approved to run a wood splitter and one chain saw. Tamara asked the time frame of the noise on Sunday. Mark stated it was from about 9 am to 4 pm. Tamara said the board will look into this and see what can be determined. George explained to Mark the Cote's have contacted him several times, and he is not aware of a board planer. George

stated they have asked permission, which they can do, to cut personal firewood when they want. Mark asked if a grapple load would be personal. George said it could be if that is what they want to do. George stated he has no specific details, but he has been asked on several occasions and that was granted in their permit to be able to cut personal firewood. George does not know anything about a planer and isn't sure that would have anything to do with their permit; he feels anyone can have a planer. Tamara said the first step will be contacting the Cote's and find out what they were doing on Sunday then go from there.

Zoning Permits:

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, October 26, 2020.

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

Application for Permit – Acted Upon, APPROVED

1. Yankee Barn Homes (YBH), 11 Winding Road (Eastman Section) to build house with attached garage. Plans have been reviewed and are on file at the town offices. No setback or wetlands issues. Zoning Coordinator has been out to the site and area for the planned house is marked. 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 application approved per delegation of authority.
2. Brooks Weathers, 1482 Main Street, wants to have installed a ground mounted solar (PV) array next to the house. Application filed by Granite State Solar, agent for the applicant. Zoning Coordinator has been out to the site and area for the planned array is marked. There are no wetlands issues, no set back issues, and the structure will be less than 35' tall. Based on site visit and interview with the applicant 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 application approved per delegation of authority.
3. Tim Fraser, 117 Cemetery Road, would like to build a lean-to off the side of a shed behind the house. Mr. Fraser was in a hurry and available help for the build was limited, so he got started on the project. "After-the-Fact" fee paid in full. Zoning Coordinator has been out to the site and area for the planned shed-lean-to is obvious because it has been built. Thankfully, there are no wetlands issues, no set back issues, and the structure will be less than 35' tall. Mr. Fraser is conducting a beer brewing business on site with the requisite Special Exception, Approved Site Plan and State Permits/Licenses. Zoning Permit application approved per delegation of authority.
4. Josh and Sarah McGraw, recently married – Congratulations are in order – 319 Old Grafton Road, would like to install an outdoor wood-fired boiler to provide hot water heat to the house. After consultation with the Planning Board, Mr. McGraw was informed that the Planning Board determined the boiler to be a structure and a Zoning Permit would be required. We checked and the area on Old Grafton Road in question is zoned Rural Residential, not Forest Conservation. Accordingly, Mr. McGraw had correctly measured the setback from the road. The location for

the boiler is clearly marked. There are no wetlands issues, no set back issues, and the structure will be less than 35' tall. Based on site visit and interview with the applicant 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 application approved per delegation of authority.

5. Luke & Annika Munholand, 2803 George Hill Road, filed an application for a 13' x 20' (260 sq.ft.) mobile shelter for goats built to be skidded by ag-tractor. The Agricultural Commission made recommendation to be considered by Planning Board at their meeting on October 15. After consideration of the recommendation from the Agricultural Commission, the Planning Board decided any movable shelter on skids greater than 100 sq.ft. would be deemed to be a Structure and a Zoning Permit required. The Munholand's application was processed with the requirement that the movable goat shelter on skids be located on the property clear of setbacks and wetlands or wetlands buffers, where applicable. Zoning Permit application approved per delegation of authority.

Open Applications - In Hand, But NOT Acted Upon.

6. Scott VanHalter, 1718 George Hill Road, application for hoop house for wood storage (after the fact). Fee has not been paid. Property Owner advised regarding fee. Application will be processed when fee is received.

7. Ty and Samantha Morris, 235 Bowman Road, application for a deck (after the fact fee paid) but application incomplete (does not show distances to property lines). Pending per completion of the application.

Other Matters.

A. Inquiry regarding truck and semi-trailer on Cemetery Road.

B. Follow-up with resident regarding plans for a carport.

C. Inquiry regarding demolition of two (2) older structures and plan to build a cabin in the northern reaches of town (zoned Forest Conservation).

<< October 25, 2020 >>

Whit brought the boards attention to item five. The planning board decided that any instrumentality, similar to the moveable goat shed that's described on the Munholand application, that is larger than 100 sq. ft. will require a zoning permit. The agricultural commission had recommended 112 or 114 sq. ft, it had something to do with a hay wagon. Dick said the reason for this had something to do with what could be towed by a tractor. Whit also interpreted that to mean if it's greater than 100 square feet and on skids as opposed to a hay wagon on wheels. Whit said this could come up again. On that basis, and with the boards blessing, Whit will approve the Munholand application with the following conditions:

Goat shelter may not be placed closer to lot lines than the 35 feet setback requirement.

It may not be placed in any wetland or where applicable no closer than 100 feet from any designated wetland

Per planning board interpretation. The goat shelter, moveable, greater than 100 square feet is a structure.

Whit added there is plenty of places on the lot for it to go; there are plenty of ways to move it without encroachment on the designated wetlands. George said, as he brought up at the meeting, Darrin Patten was denied that very same thing for his sugar shack and unless we are going to do a turnaround you cannot move a structure. George said Darrin fought for about a year on wanting to move it and it was turned down being told it needs to be in a permanent position. George brought this up at the planning board and got no response. George feels if we are going to do a turnaround, a structure has got to have a location because it's unenforceable if it doesn't. Tamara said this will be enforceable because Whit has put conditions on it. George asked who will monitor it. Tamara feels at some point the property owner has to take responsibility for themselves and what they are doing. George said as long as we are clear that the next person that comes in and wants to build a shed it can be moveable because that is what we are saying. Tamara said this is for animals, so if someone wants to build a shed for animals it will go by the same requirements as this one. Janet added that Darrin applied for a zoning permit, and didn't put any location on the application because he wasn't sure where it was going to wind up permanently; eventually they did get a permit for the sugar shack, which is less than 100 square feet. Tamara said it wasn't that it was going to move, it just didn't have a home yet; two totally different situations in her opinion. Dick has no problem with this application but does have a problem with the very fine line of distinction between a moveable animal shelter and a moveable sugar shack. Either they are both agricultural and should be under the same restrictions or you will have to start having sub-paragraphs to the agricultural distinction. Dick said we have an agricultural commission that has inserted itself into the process. Dick asked where we are headed with this; seems that if they are both moveable, they should be under the same general guidelines. Whit said to keep in mind that zoning ordinances and regulations are predicated on the concept of use. So, a shed used for one thing may be acceptable and a shed used for another may require a permit.

Whit stated that Scott VanHaltern still owes \$25 for the after the fact fee on his hoop house, he has been reminded. Because of this his application is still pending. Whit will follow up with Ty and Samantha Morris as his application is incomplete. Whit received an inquiry of a truck and semi-trailer that are located on Cemetery Road. Whit stated this was brought to the attention of the board of selectman some time ago and they are still there.

Whit thanked Janet for helping him figure out the forest conservation lands surrounding the Old Grafton Rd. The road itself is rural residential, so the setback requirements on the road itself are 35 feet, once you back into the woods the setback is 50 feet.

Sand Shed Site:

Tamara said there are many questions surrounding the sand shed. George is concerned on the cost. Tamara is confused because she believed the old sand shed would go away once the new area was built up and improved. Now she is hearing the old sand she isn't going anywhere. Ken said from a budgetary standpoint the old sand shed isn't going anywhere yet. Ken stated the money has been approved to develop and work on the engineering for the site. Ken understands that we didn't go any further with Jeff Evans as far as trying to get a more detailed plan of what

should happen, Lou Caron didn't feel comfortable enough to get involved and he recommended Dan Nash. Dan Nash has a contract and has done a bunch of work on it already because he has a signed contract; that is where we are at. Ken doesn't believe any money has been asked to be spent on the site itself at this point, we are still trying to figure out what to do with the site. Ken thought we were already going down that road from a budgetary standpoint, and since the voters approved it. Tamara had the same thought, and at the last meeting we had a member of the board say he was against moving forward and we're approving the roof of the old sand shed. Ken said we don't have money for that, but you can move money around. Tamara agreed, but nothing was determined that that was what we were going to do with x amount of money. Janet stated at the moment there's still the open warrant article to use money from the unreserved fund balance to do the site prep. Janet believes that expires this year. Ken said the engineering would be part of that warrant article. Pete said if they don't do something soon it will have to be cleared again, the brush up there is getting high. Ken said he remembers there being some talk with trying to amend the wetlands permit and that is what Jeff was going to try to help with. Darrin said Dan Nash is trying to get something designed within the wetlands permit that we have. Tamara asked the feeling on being able to work within what we've got. Darrin said we will still have a good-sized site. He is unable to remember why the idea came up of trying to make it bigger because the wetlands impact is basically a skidder trail and there was some thought to make the site bigger. Leigh said the issue was that Lou Caron found some problems with the wetlands permit as approved. He was going to modify the application so we could do things according what he thought could be done, then he disappeared. Leigh said nobody has been following this up, it hasn't been managed, and here we are three years later with talk of doing away with the whole thing. Ken doesn't feel it's accurate to say it's just been dropped, there were extensive discussions at the budget meetings last year and everything was still in the air as to Lou's roll and could we get anything back from Jeff. Tamara asked if Dan Nash's plan is much different from what we had from Jeff and what was drawn up before. Ken doesn't remember seeing what Jeff had and is unaware of what he submitted to the state. Dick remembers that last change, that he recalls, was not a huge change. It was bringing the disturbance up the hill some tens of feet. Ken said the trouble is you have to start from the beginning now because you are amending the wetlands permit, it's like amending your site plan. This is why Dan Nash is suggesting we stay within the approved wetlands permit.

Ken said the question now is if you aren't going to move forward or not. Ken thought we were moving forward with this based on what the voters approved, taking the money out of the fund balance to appropriate the engineering and the site work. Then the next step, once that was done, is to figure out what to do building wise. Ken said Nash's plans show what his suggestions are. Ken also felt we were passed the question on the existing sand shed. In conversations that were had where we were presenting an option to the state that was going to provide an impact on the wetlands, but nothing like what we potentially have now. In the past there was a concern that the state would make you move the shed, which hasn't happened. Ken doesn't think the town wants to be in the situation where the state is telling us to do something, because that never seems to work out. Ken added that some of the conversation revolved around that being our emergency shelter, and in the winter months it is tight quarters. With all the equipment storage, the salt shed, if you try to allocate parking it's tight. Pete said we at least ought to get the spot cleared

again, get the stumps out so the brush doesn't keep coming back. Ken stated if you accept the design you could put it out for bid to who's going to do the site work.

Ken said the board needs to decide whether or not to accept his design as working within the parameters of the existing wetlands permit or not do anything. Tamara feels accepting his design is the best way to do it. Dick's view is we go with the current wetlands permit, get Dan Nash to give it his best shot. If Dan decides he's had enough then we will really be in a bind. Dick said that Darrin had mentioned the prospect of having to move 100 truck loads of fill; Ken stated that is included in Nash's proposal. Dan Nash said once you get working the site then someone can make some minor changes, so there is a chance to not have to find a home for all that fill.

Tamara feels we keep moving forward with what he's got. Dick asked George his feelings. George stated he has nothing to say as he is against the project and isn't going to be negative. Ken asked George why he didn't speak up at town meeting or the budget committee saying you were against the project. George said about two years ago a contract was written up. George, Whit and Peter were ready to go, there was a price a contractor it was handed in and the response to George was you didn't speak to Ken and Darrin so it was filed and that was the end of it and we've moved forward since then. Ken asked why George would speak to him. George stated that is exactly what he was told to do; he was asked if he consulted with Darrin and Ken Jacques. Darrin asked who the contractor was. Pete answered it was Kenny Clark. Darrin remembers that paperwork, and to his knowledge an estimate was done to give an idea of the cost. Leigh said that was absolutely correct; what we were looking for was a quote so we could go to town meeting with something credible and that's all it was, it was not a contract. Dick made a motion to keep developing the plans with Dan Nash within the current wetlands permit and also approve the contract. The motion was seconded by Tamara. Tamara and Dick are in favor, George is opposed, motion passes. The contract was then signed.

Unfinished Business:

Tamara thinks we need to put something in writing as to what we are going to do if an employee of the town calls in sick. We have now had two employees that have called in sick and we have required them to have a Covid test and they could not return until they get a negative result. Dick asked if it would be reasonable to include that if they call in sick with some symptoms of Covid, what if they have something that has no symptoms related to Covid. George said that symptoms are similar. Who will make the decision as to whether it's a cold, flu or allergies? Tamara asked how you tell the difference. Janet believes if the employee is missing work because employer requires them to go get tested for Covid then they are required to pay that employee without using their personal or sick time. George stated the wait time this time was longer on the employee's results. Jill asked what would happen if the employee didn't want to get tested. Tamara said they would not be able to return to work, they could quarantine for fourteen days. Tamara said along those lines, she wouldn't feel the employee would be paid. Janet said it might be worth it to check with other towns to see if they have something drafted up on this subject. Tamara's thought is if someone calls in sick, they need to go get tested and can't return to work until they get a negative result. Janet said the best tool out there is to have the

test. Sgt. Beaulieu asked what would happen if you were to call in with a migraine or you hurt your back. Tamara said maybe this will have to be on a case by case basis. Tamara will check with New London and Sunapee tomorrow to see what their policy on this subject is.

Janet said the Eastman lot advertisement is going in the Valley News today and it will be in the Shopper on Wednesday. Tamara scanned and emailed the ad to Amy at Eastman. Dick has tried to get in touch with Dave Saggese, since he was interested in one lot, to give him a copy but has not heard back from him. Dick stated, in relation to this, the town still owns a lot that needs to be offered back to Eastman before we can do anything with it. Dick will send the information to Tamara who will then forward it to Amy.

New Business:

Dick talked about the meeting with the AFLAC representative. Dick was not particularly impressed, especially with the cost. Tamara thought it was insurance, but it is supplemental insurance.

Board and Department Updates:

George hasn't heard anything about the stone work at the cemetery and is not sure what is going on with that. George said Peter has been blowing leaves and all the work has been completed at Twin Lake Villa today. Leaf blowing is what the highway department will be doing for the next couple of days.

Dick stated the library trustees will meet Thursday.

Signatures:

- 1 Intent to Cut
- 2 Yield Tax Assessments

Janet shared there will be no zoning meeting in November. The planning board will meet on November 10th for a work session on the noise by-laws. Capital Improvements committee is going to meet on Thursday November 12th.

George stated the planning board formed another sub-committee. Janet said this sub-committee will meet before the work session on November 9th to look at the noise regulations again.

Miscellaneous Business:

Tamara made a motion to go into non-public session at 5:18pm per RSA 91-A:3 for personnel. The motion was seconded by Dick and unanimously approved.

Dick made a motion to seal the non-public minutes and re-enter public session at 5:36pm. The motion was seconded by George and unanimously approved.

Tamara made a motion to adjourn meeting. The motion was seconded by Dick and unanimously approved.

Tamara made a motion to adjourn meeting. The motion was seconded by Dick and unanimously approved.

Meeting adjourned at 5:37p.m.

Jill Hastings
Deputy Administrative Assistant

DRAFT