

BOARD OF SELECTMEN

May 10, 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: Ryan Peterson, Abby Peterson, Jim Bednar, John & Sarah Anderson, Marie Patten, Whit Smith, Chief Michael Beaulieu, Lynne Bridges, Jane Hedley and Sue Schotanus

Zoom: Keith and Susan Cutting, SueAnn Kazenas, B. Manning and Janet Hendl

Dick announced that Marie Patten is going to be leaving us to help her daughter and granddaughter in West Virginia. She has provided faithful service in keeping all our buildings clean for a number of years. Dick presented her with flowers and a card to express the town's gratitude for her years of service. Marie thanked everyone.

Jim Bednar, president of the Historical Society, gave an update on how things are progressing. The floors are done and look great. They have done a lot of cleaning up and out, which has made more space; it is really looking, and feeling, like a museum. Opening day is on May 29th, food will be served. The plan is to be open on Saturdays and Sundays from 1-3pm through Labor Day. They will also try to put on an event every Saturday, linked with the museum in some way, to bring people out. The historical society will be hosting a pulled pork lunch during the town wide yard sale, June 5th. The Garden Club may also be planning a pie sale for the same day. The annual meeting is in July and they will have a potluck plus entertainment.

The historical society would like to build a "barn" next to the historical society. Jim provided a revised drawing of their plan. There was a shed there in the past, which is depicted in a painting of the museum. They are running out of space and items they have a lot of are related to agriculture and maple sugaring. Right now, we really have no display of maple sugaring. The barn would allow us to expand our collection and have more space inside for other things. The barn would be 20ft x 14ft. There would be no electricity, heat, or water; it would be on a cement pad. When we started talking about the idea of the barn people started to offer things. The Cuttings have offered pine from their forest for the siding. Twin Lake Villa has offered hemlock for the post and beam. Kevin Roberts has offered to do the excavating. This is a community coming together. We've already got two carpenters from Springfield that are interested in teaming up and leading the charge forward and actually building it. The designs were done by Dan Saulnier, so this really is a Springfield project.

Jim is seeking the guidance of the board as to what needs to be done in terms of approvals or whatever may be needed. Jim stated the historical society will do fundraising, and they will hold the money in their account to use on the project. The abutter to the historical society is writing a letter of support. Whit has been there to look at the property. Dick feels the historical society

needs to apply for a zoning permit, and variance with the zoning board of adjustment if necessary; the town needs to follow the same procedure that anyone else in town has to follow to build a structure. Whit says the problem is the historical society doesn't own the land, the town does. The town would have to apply for the permits. Tamara asked what the distance is; Whit stated it's an unbuildable lot, there's probably 12 feet in the middle. Whit thinks Dick is correct, it would have to go through a special exception, based on the size of the lot. There is some research to be done. But before that the town has to decide, not the historical society, that they want to put a building on the lot. The town would then file an application with the zoning board of adjustment seeking relief from the setback requirements. Janet stated the town is not bound by the zoning ordinance. Dick said that may be according to the letter of the law, but he still feels we need to address the potential concerns of the abutter. Thirty-five feet is zoning ordinance requirement as a setback. Whit said the first thing is to decide is if the town wants to build a barn, then we can go to step two.

Dick stated he is behind this project; he just wants to see it done fairly and properly. Tamara would like to see some measurements to the boundaries to get a better idea of where everything is going. Janet said a good first step would be calling the local government attorneys and ask what their recommendation would be before we push through any spending of money. Jim said the goal is to build in the summer of 2022, putting the pad down in the fall.

Zoning Permits:

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, May 10, 2021. Here is a summary of permit applications and Zoning Coordinator activity.

Application for Permit – Acted Upon, APPROVED

1. Mr./Mrs. Hendl, 103 Woodcrest Rd (private) would like to build a 24' x 30' garage next to their home. Zoning Coordinator has been out to the location. I spoke to Contractor about the project. No wetlands issue; no set back issue; less than 35' tall. No observed Home Business or Commercial activity and the applicants have represented the same on their application. Zoning Permit APPROVED per delegation of authority.
2. Mr./Mrs. Seney, 542 Hogg Hill Rd. would like to build a large flagstone patio (approx. 1100 sq.ft.) with steps up from the driveway area. In addition, they plan to install an 18' diameter round above ground swim pool. There are no setback or wetlands issues, and the structure(s) will be less than 35' tall. (Fees paid: \$25 for pool, \$50 for patio.) Zoning Coordinator has discussed the project with Mrs. Seney and has visited the site and viewed the location; also discussed the project with the stone mason on site. Detailed drawing provided. No observed home business or commercial activity; applicant has represented the same on the application. Zoning Permit APPROVED per delegation of authority.
3. Mr./Mrs. MacCreighton, 99 Old Grafton Road, would like to add small roof over the front and back door "stoop" areas. There appear to be no wetlands issues, no setback issues and the resulting roof cover is small and less than 35' high. During visit at the site to discuss the plan

with the applicants, Zoning Coordinator saw no business or commercial activity; applicants have indicated the same on their application. Zoning Permit APPROVED per delegation of authority.

4. Mr. Asif, 217 Bowman Road, would like to install 27 roof mounted solar panels with 2 Tesla battery systems. There are no setback or wetlands issues, and the structure(s) will be less than 35' tall. (Fee paid: \$50). Zoning Coordinator has visited the site and viewed the location. Detailed drawing provided. No observed home business or commercial activity; applicant has represented the same on the application. Zoning Permit APPROVED per delegation of authority.

Open Applications - In Hand, But NOT Acted Upon.

5. Mr. Paul Mercier, trustee for the Cambridge Realty Trust, 2 Sunnyside Drive (Eastman) would like to have installed a concrete foundation (precast) with ground-mounted PV solar energy array (16 panels) with dual axis tracker. Permit application attached. Zoning Coordinator has been out to the site and has discussed the plan with Mr. Mercier. 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.

Question raised by Lewis as to whether a Zoning Permit must be obtained from Town before submitting an application to the Eastman Community Association. Hendl did not concur with approving the application. Application being held pending resolution of the question.

Applications Reported Previously – Still Open

6. Ms. Rylee Preston, 112 Philbrick Hill Road, additional Zoning Permit application to build roof over deck (creating porch).

7. David and Elizabeth Erickson, to build a cabin off Morrill Road.

Other Matters.

A. Ms. Leah Greene, 1327 Stoney Brook Rd, has applied to the Zoning Board of Adjustment (ZBA) for a Variance (seeking 15' of relief from the 35' rear lot line setback) to place a 26' x 26' garage connected to house with mudroom area. ZBA decided to conduct site visit on Tuesday, May 11, 6:00pm (Greene)

B. Attended Zoning Board meeting. Special Exception granted to Gilbert (garage no closer than ten feet (10') to side lot line. Application from Greene to place garage no closer than twenty feet (20') from rear lot line. Hearing continued to allow for site visit by ZBA.

C. Inquiry by Springfield Historical Society (Bednar, Saulnier) regarding placement of barn on the parcel with the town meeting house and historical society museum. Town property with very limited space when 35' front and rear setbacks are taken into consideration. Raised the question does town of Springfield, which owns the property have to file an application with the Zoning

Board of Adjustment for a Special Exception? Assuming this is a necessary and Special Exception is obtained, does Board of Selectmen then sign off on Zoning Permit being issued to the Town?

D. Inquiry from property owner regarding slope and soil test results being brought before the Planning Board for review and approval. This is in the context of building a 2nd dwelling on the property (Hogg Hill – Burke)

E. Inquiry from property owner regarding whether a 4' x 5' plastic storage “shed” requires a Zoning Permit. Under the Zoning Ordinance, it does. See Appendix A1 - List of things that are a “Structure” at page 53. (Shad Hill – Ricard)

F. Inquiry from property owner regarding whether a metal shed (11' x 12') requires a Zoning Permit. Under the Zoning Ordinance, it does. See Appendix A1 - List of things that are a “Structure” at page 53. (Sanborn Hill – Suarez)

G. Further inquiry from Protectworth Brewery regarding second re-design of interior area of garage where brewery activity occurs. This will result in some expansion of interior space, but no change in size of structure. Recommendation held pending review of original site plan approved by Planning Board.
(Fraser)

H. Multiple questions and follow-up from Director of Permitting and Interconnection of Regional Solar Panel sales and installation company regarding permitting process for Town of Springfield. (DeMarre)

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Tomorrow the ZBA will continue its meeting with a site visit on Leah Greene’s application to put a garage up behind her house. After the visit, the board will go back to the office for a 7pm continuation of the meeting to allow the public to be present via zoom.

Whit received another inquiry from Protectworth Brewing. They’ve decided not to increase the amount of customer activity on site. Therefore no additional parking is needed, which raises the question do they need to amend their site plan when their just increasing space in the interior. The original application included the space in the interior, then as they built it out, they didn’t quite use it all. Whit will review the original site plan.

Whit has received a couple of emails from a prospective resident who’s looking at the property out on Woodland Heights. He has referred that individual to the planning board. Whit will agree to meet them and show them the tax map but is not going to get involved in the politics of access to a Springfield parcel via a Grantham road, which is a private road. The planning board touched on this a few meetings ago and their advice was to go through the Grantham planning

board to find out what the rules might be in terms of accessing the Springfield property from the private road that's in Grantham. Whit said this is a work in progress, and is unsure how far it will go, however the planning board should be taking the lead on that.

Dick asked about letter H. Whit said there is a director of permitting and interconnection for a regional solar panel company. Whit thinks they might be headquartered in New Jersey, and like so many other energy companies they have expanded their markets. She is trying to get everything in order, so when they do a sale of a PV solar energy system, they'll know the steps. The problem is dealing with towns that don't issue building permits and don't do post installation inspections. In the last email it sounded like they would do an installation and then call Whit for an inspection. To which Whit said no, you have to do the permitting first then he would take a look at it from a size and location point of view. They don't seem to have a Springfield customer in line, they just wanted to be ready for when that happens.

Mr. Mercier has not been issued a permit yet as there has been some concern raised. Dick doesn't have a problem with Mr. Mercier, the problem he has is that Eastman Community Association thinks they are primary to approving projects and they are really subordinate to the town. Whit said that is between them and their residents, all he can say is if you want to do something in Eastman you have to a zoning permit just like anywhere else in town. The reason for Dick's concern was Whit's suggestion that several folks on Sunnyside Drive who had done some construction without permits. Dick asked if the ECA requires some sort of approval to build a shed, just as an example. Amy said yes, they do. Dick then wonders why ECA doesn't have as part of their process to ask the property owner if they have gotten the zoning permit from the town of Springfield; how do we get them to do that. Amy said she could reach out to the general manager of Eastman to try to get an answer to that. Amy will also ask for a standard building application that they provide. The conclusion is there needs to be more communication between the town and Eastman. The board is ok with approving Mr. Mercier's application.

Josh McGraw is going to be filing an application to expand the roof on the building so that he can rehabilitate the decks that are falling down. There was also a conversation on fabric shelters needing a permit, especially if it will only be there for six or eight weeks. The fabric shelter will be coming in with the permit application. Mr. McGraw has received some inquiries regarding the rustic residence at the top of the hill; people are interested in spending a weekend there. McGraw is fine with that, but he wants to know what the town policy is. Tamara said he needs to go to planning because that's an ongoing discussion. Whit will pass that information along to him.

Minutes of April 26, 2021:

Dick made a motion to accept the minutes as written. The motion was seconded by Tamara. Dick and Tamara are voted in favor, Amy abstained.

Unfinished Business:

John and Sarah Anderson are donating a spot of their land to the snowmobile club. The snowmobile club already bought the building that they want to put up to park the tucker inside. Sarah said it was Ed Shank that presented it to the board a while back. The snowmobile club doesn't want the Anderson's to pay the taxes for the structure. Sarah stated if they could calculate what the new taxes would be with the structure, they could just have the snowmobile club pay the difference. John asked if it would be possible for the snowmobile club to get an exemption since it is a non-profit. That is tricky, because exemptions are all driven by state statutory provisions. Just because the club is a non-profit doesn't mean that they are going to get a break on taxes. The exemptions the town gives have all been vetted by the town meeting, so that is how exemptions take place. John said they would apply for the building permit. Janet said if you wanted to, ahead of time, get an idea of people that have something similar on their property and come in and see what their assessment is. That could give you an idea of what your taxes might be after the structure.

John asked where things are at with Kennebec. Tamara said that if you have read through the minutes for the past few years you will see the board has talked to legal counsel, they have advised the board and they've gone to the property and listened. Dick's gone to the property and listened. Tamara was there on Friday to listen. At this point, legal counsel says that unless the property owners have some way to prove definitively that there's noise and it's happening 24-7 the board can't do anything because we don't have enough information. As an example, month's ago Mike Hummel sent the board an email that said last Friday at 5 o'clock Laura and I couldn't sit on our deck because the noise was too loud. That email was sent on a Tuesday or Wednesday. That doesn't help the board. We need to go over when it's happening, to listen to it so that we hear it and can record it; or at least say yes, we went over there and yes, we did hear it and often.

John asked what would be the best thing for the abutters to do. Sarah asked how we are judging noise. Tamara said we can't judge noise because noise for everybody is so different. Sarah stated she has a hard time understanding how some residents in town can complain about noise, an example being barking dogs in a kennel, and get so much pressure from the town and the neighbors that they feel the need to relocate or close their business down, yet the feedback feels like our complaints are not being recognized or acknowledged in the same manner as these other residents. Ryan turned on a recording of the sound coming from the mill that he hears on his property. Tamara said Friday morning at 8:30 am she went to the mill and the only thing she heard was music coming from the mill; Ryan and Sarah invited Tamara to go up their driveways anytime. Tamara asked, if it is 24-7 why, every time she drives over there, she doesn't hear it. Dick stated that he visited Ryan's property with Whit, the decibel levels were not high enough to justify any real complaint. Dick has been over their countless times making measurements at Brooks Weathers house.

Ryan stated he wants to follow Whit's, Bryan O'Day's and Chuck Fay's suggestion which is get off the noise ordinance, find something less subjective; something that we can't argue. Tamara

then asked what is that you want because if it's all noise you can't go with something other than the noise. Abby Peterson said maybe the issue is that they have lived there forever and have heard it get louder, whereas you guys are just coming in and you don't know the difference between what it was years ago and what it is now.

Tamara said that what the lawyers have told the board is that you've got to give us something more definitive. If that's sending an email every day and saying recording, hearing it now. Abby asked if the board would want the recordings of the sound Ryan has on his phone. Tamara said the problem with that is recording it with your phone you can change the volume levels, so it doesn't work. John asked if there are company's you can hire, like Brooks and Olivia did. Tamara said the mill hired someone with two different machines to take measurements. Dick said it was months-worth of a study. The board is aware this is still an issue. Ryan said it is so bad that he has thought about calling 911 a couple of times and inviting Mike over to his house to listen. Chief Beaulieu told Ryan that he can call but he has to call dispatch, so it is logged properly, 603-763-3100. Dick asked Ryan what he expects Mike to do. Ryan said he is just desperately trying all avenues available to him and talking to everyone who is available to listen. Tamara then asked Ryan if he has contacted the mill and talked to them regarding the noise. Olivia, when it first started, went to the mill first. She did research on the back up signals on the trucks, which the board knew nothing about until she came in and said she presented this research to the mill and they fixed that problem. Tamara asked if anyone other than Olivia contacted the mill. John stated he has not yet. Ryan said before he came to tonight's meeting, he drove into Kennebec to count how many people were working there this afternoon. Tamara said you don't have to drive into the mill to be able to talk to somebody. Ryan said he has talked to George Evarts numerous times. Tamara stated he is not the owner anymore. Ryan has not spoken to the owners. When he sees lawyers involved for Kennebec, and knows multiple people spending money on lawyers, how is he supposed to talk to a guy when there is bigger business going on. Tamara said they are a neighbor just like any other person. Ryan doesn't think Dennis Carrier would answer if he were to call. Tamara said it depends on how you speak to him. Tamara said maybe the best thing would be to form a group and pick a spokesperson to approach the business.

Ryan feels no support from the selectmen. Tamara asked if he knew how many thousands of dollars the board has spent trying to fix this. Tamara said the board was questioned on why the town's legal fees needed to go up because we had two major legal issues, and this is one of them. Our legal fees when from \$10,000 to \$80,000 this year. It's not that we are not trying to do something, and it's not that we are not supporting the residents. The selectboard has been told the next step is to have the neighbors notify them when it's going on and if it is 24-7 you will have to prove it. John was informed that all the meeting minutes are available online at the Springfield website.

Lynn Bridges read aloud the town ordinance, 6.10, on noise. She is before the board with a complaint on the noise of the dump trucks on Sanborn Hill road. Tamara ready from an email that they are taking material from the top of the hill, it should be thirty to sixty days more. There is a bond on the road, so they do have permission to be doing this. Jane Hedley asked if they

would fix the road after, because they are wrecking the road. If it's determined the road has been damaged from what it was before they started, yes. Janet said that probably won't happen because there has not been good documentation as to what has happened every year since they've been hauling. They have posted a bond, and part of the bond is to make sure they reclaim that property when they're done. The note from the owner stated they are hauling in top soil also so they can reclaim the property.

Lynn said two years ago she had a conversation with Janet about this and she said at that time, quoting the company, it's almost done. This is Lynn's fifth summer living with this noise. Walking feels dangerous and stressful. Lynn spoke with one of the drivers, Mike, and he said this will go through the summer. Tamara said the owner had sent an email at 3:12 this afternoon and said it is not an all-summer project, at this point he's in touch with Mr. Conkey, owner of the trucking company, every couple of days and certainly wants it wrapped up. Lynn said it started out being one to two trucks; last week there were five trucks, which are the larger trucks. Tamara thinks they are increasing because they are trying to get things finished. Lynn asked if she should come back if it continues to go on passed the sixty days. Tamara said yes because that is when the bond ends. Sue stated they start around 7am and go about 10-hour. They don't stop for school bus operation. Mr. Lindquist is aware of those conditions; those conditions can be sent to Mr. Lindquist as a reminder. They are maximizing their time to get it done. Lynn said this is six days a week: 10 hours a day during the week and 7 hours on Saturday. Janet provided a history of why they truck when and where they do.

Tamara suggested mid-July they come back with documentation, keep track of the times. Janet said if they are starting at seven in the morning and aren't supposed to start until eight, document it and there is your proof. Lynn said they throw trash out, there's bags and cans. The Gaherty's couldn't be at the meeting but asked Lynn to mention the trash. Lynn stated Chris was concerned with the condition of the road, it's ruined.

Court Status:

Dick received a copy of the court order signed by Judge Tucker. Which is the result of the first hearing on the first four issues that were brought up by Select Shepherds. The court found for the town in all four cases. They are that the selectboard operated lawfully in deciding not to sign the certificate of compliance; the chair of the ZBA did not have any reason to recuse herself at the ZBA hearing; the rules of procedure were followed in the ZBA hearing; the court did not agree that the operations at Kazenas were similar to the home business requirement contemplated by the 1997 ordinance. The court found under the canons of construction that the use of a professional or service character that's customarily carried out in the home is what the ordinance intended, and that the Kazenas' operation did not fall within that. So, the first four findings were favorable to the town. What happens next is to be determined.

Unfinished Business Continued:

Sale of Town-owned property – Dick was contacted by Neil Gabrielle on Winding Wood road who's interested in buying an adjacent piece of property. In the past we have been contact by Dave Scalise, who also lives on Winding Wood, inquiring about an abutting property at the time

that we offered all the properties that we owned here in Springfield for sale to the public with sealed bid. We sold one property to the Village District of Eastman at 40 Winding Wood. Dick spoke with the town attorney who informed him that there were two options. The board has the right to negotiate with an individual to sell the property, or we can follow the route we have in the past and offer them for public sale using closed bids. After a conversation with George Hildum Dick thinks we should try the closed bid option again. In George's opinion the interest in property over in Eastman has increased and that we might maximize the return to the town if we go that route. Amy abstained from the conversation due to a conflict of interest stating that if this is put out to bid again the district would be interested in submitting one. Tamara made a motion to offer these pieces of property for sale to the public using sealed bids. The motion was seconded by Dick. Dick and Tamara voted in favor; Amy abstained.

Dick received a call from Darrin Patten who has heard from Dan Nash and had hoped he was going to get a final version of the plans over the weekend. Janet said Darrin hasn't gotten the plans, but he was hoping the selectmen could go ahead and approve the three or four hundred dollars. Dick said that for roughly three or four hundred dollars Dan Nash would prepare a scope of work for us which would be the guts of an RFP. Dick makes a motion to authorize Dan Nash to provide a scope of work up the cost of \$500. The motion is seconded by Tamara and unanimously approved.

Amy asked about the liability insurance as far as the recreation committee is concerned. Janet spoke with Primex, and the representative doesn't see where swimming lessons would be excluded from our coverage, but she couldn't say what Primex would require for the recreation committee to do whether it be getting waiver signatures from the parents; there is probably a requirement that the instructor be red-cross certified. Amy will pass this information along to Erin.

New Business:

The garden club is proposing the installation of a picnic table. Dick suggested one smaller, but the same quality as the table up at the cemetery. That table has held up very well over the last four years. He would encourage the garden club to explore that. Tamara will look in to where that table was purchased.

Dick is abstaining from the next topic as a member of the Elkins Fish and Game Club. He has been asked to propose the use of the recreation field by the club to put on an exhibition of bird dogs and how they perform. Tamara moves to allow Fish and Game to hold their exhibition on recreational field. The motion was seconded by Amy. Amy and Tamara voted in favor of the motion; Dick abstained. Dick will be clear that they cannot come on the 5th of June because that is the day of the town wide yard sale.

Board and Department Updates:

Tamara announced that Troy has an appointment June 5th for the written test for his CDL license.

Dick said the library has received six applications for scholarships. They will be going through them in the next couple of weeks.

Chief Beaulieu received an estimate for the repair work on the cruiser. Janet shared that email with the board members. Chief Beaulieu does not think we should repair it as it will be replaced next year anyway. Tamara asked what the damage was as she has not seen it yet. Dick said it's not bad, just a dent in the driver's side door. Chief Beaulieu spoke with Darrin about the cruiser, to fix a \$5,000 car, spending \$2,000 doesn't make much sense.

Dick asked how things were going with Pat. Chief Beaulieu said things are going well. He subcontracted the background check out to a professional organization, which was recommended by the chief of police in Hartford Vermont. Chief Beaulieu met with Captain Cohen from Lebanon PD to talk about Brandon. He also met with Lieutenant Craig Robinson to talk about Pat. As soon as he gets the background check back everything else is good to go. The other testing has come back, results were good. Chief Beaulieu and Pat went to get fitted for new BDU's today.

Chief Beaulieu said cruiser one is being stored at the Fire Department. He had IMC come in today to clear some items off the computer. Cruiser one will be going in on Monday, week from today, to be set up.

Correspondence/Signatures:

4 appointment forms for the recreation committee members.

Application for solar exemption.

4 abatement decisions. Tamara made a motion to accept the recommendation of the accessors abatement application to the town of Springfield. The motion was seconded by Amy and unanimously approved.

3 land use change tax bills.

Miscellaneous Business:

At 5:45 p.m. Tamara made a motion to enter into non-public session to discuss legal and personnel per RSA 91-A:3. The motion was seconded by. By roll-call vote this was unanimous.

The board moved back into public session at 6:12 p.m. Tamara made a motion to seal the minutes discussing personnel. The motion was seconded by Dick. Dick, Tamara and Amy voted in favor of the motion.

The meeting was adjourned at 6:19 p.m.

Jill Hastings

Deputy Administrative Assistant