

BOARD OF SELECTMEN

July 12, 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: Dick Hendl and Amy Lewis

Others: Noah Gabrielle, Don Hill, Marla Binzel, Officer Patrick Zullo, Whit Smith, Ryan Peterson, Francine Rainone, Ali Conlon, Michael Ford and Peter Abair

Scheduled Appointments:

Don Hill – Class VI Roads – Don stated that ATV's and side by sides are becoming a big part of rural life everywhere. There is quite a bit of misinformation about where they are allowed to go and what falls into what basket. ATV's and side by sides each have their own set of rules. Side by sides, whose use must meet certain conditions, are the only things allowed on roads with very large restrictions. ATV's are not allowed on any road in NH; they are allowed on ATV trails and it is the responsibility of fish and game to handle all of that. Fish and Game has a published map of ATV trails, and there is not one trail in Springfield. It does not matter if the road they are on is a class V or class VI, ATV's can not go on it. Don read from the Fish and Game pamphlet, all law enforcement officers in NH are empowered to enforce OHRV laws. ATV's are allowed on their own property; if they are not operating on their own property they must have landowner permission in writing and on their person, if they do not have it the fine is \$248. If they are operating in a wetland, which Don said has started to happen over at MacDaniels marsh, the fine is increased to \$10,000 plus restitution for any damage.

Don said another thing coming down the line is that the town clerk is going to be forced to evaluate registrations for farm and light industrial use. Dick asked what he means by evaluate. Don stated right now it is on the honor system. People come in and say they have a farm; being that there are a lot of farms in Springfield Don would say the registrations that have been handed out so far are legitimate. There have been a couple recently that haven't seemed like farm use. That is a future issue coming with the registrations of side by sides.

Don prepared a sign that he feels would be a good idea to put up, at landowners' discretion. Don would like to put one up at the entrance to the class VI road by his house and knows a few other people that live near class VI roads, and they would like to put up a sign as well. Don feels if we don't get the word out there soon we will be quickly overrun.

Officer Zullo said he recently took a complaint on Hazzard Road; they were able to provide time frames and days of the week to go out and look for this issue. With that information the police department was able to resolve the issue. Officer Zullo stated residents should report days of the week or time frames they are seeing ATV's to the police department. That will help them know when and where to go to resolve these matters.

At some point Don would like to have the selectboard's blessing for approved signage. Don said part of this is education. Dick agrees, this is a matter of education and maybe people are just not aware of these laws. The board will research some signage and talk to Pete Abair and see what he can do get them and put them up wherever there is a class VI road sign.

Opening sealed bids for town-owned real-estate-

The board of selectmen received three sealed bids for the lots available in Eastman. The bids were opened and made available to the public. Two of the lots, located at 28 Winding Wood Road and 36 Winding Wood Road were awarded to the highest bidders. The purchase and sales agreements were prepared with 10% due at signing.

Scheduled Appointments Cont.:

Dick asked Pete Abair about the requested road maintenance work to be done on Kings Highway. Pete stated he had no objection to the work requested as they would be upgrading the road, bringing it back to what it was. Pete will look at the road after the work is completed. Dick made a motion to accept the proposal of Francine Rainone and Aerie Acres to upgrade Kings Highway on July 20th through the 21st by Seneca & Son of Springfield. The motion is seconded by Amy and unanimously approved.

Minutes of June 28, 2021:

Dick made a motion to accept the minutes of June 28th as written. The motion was seconded by Amy and unanimously approved.

Court Status:

Dick read the following statement into the record:

"In April, the court issued an order ruling in the Town's favor on four of the claims in the Kazenas matter. Several other claims in that matter had not yet been dealt with. A scheduling conference and a motion hearing was scheduled for July 13. It was anticipated that the judge would hear arguments that day on the Kazenas's motion to amend their complaint and the Town's motion regarding RSA 91-A requests, and that the parties would work out a schedule for discovery and trial on the remaining claims that hadn't been addressed yet. On July 8, the Kazenases filed a motion asking for a "voluntary non-suit without prejudice" on those remaining claims. The Court granted that motion on July 9. As a result, the July 13 motion hearing/scheduling conference will not occur and the remaining claims have been put to rest for now. It is unclear at this point whether those claims will be refiled at some time in the future."

Zoning Permits:

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, July 12, 2021. Here is a summary of permit applications and Zoning Coordinator activity.

Application for Permit – Acted Upon, APPROVED

1. Claudia & Mitchell Swenson, 557 Sanborn Hill Rd, would like to build a porch and an addition on their house. Zoning Coordinator has been out to the site and has discussed the plan with Mr./Mrs. 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. Katie & Niel Weathers, 58 Meadow Brook Rd., would like to rebuild an existing deck (same size, same footprint; permit not required), but then place a roof over and create a screened porch. For that a permit is required. Zoning Coordinator has been out to the site and has discussed the plan with Mr./Mrs. Weathers. 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. Karen Cotter, 147 Meadow Brook Rd., would like to build a 12' x 12' shed about 100' from the pond (non-designated wetland) Not "Public Waters," so Shoreland Protection not applicable. Zoning Coordinator has been out to the site. There are no setback issues and, as mentioned above, no wetlands issues. The structure will be less than 35' tall. Zoning Permit APPROVED per delegation of authority.

4. Tamara & Ken Butcher, 249 Webster Pass, would like to build/place a 26' x 12' patio (granite pavers) behind their house. The area is marked. Zoning Coordinator has been to the site and discussed the plan with the applicants. There are no setback or wetlands issues, and the structure will be less than 35' tall. Zoning Coordinator observed no home business or commercial activity and applicants have represented the same on their application. Zoning Permit APPROVED per delegation of authority.

Application(s) Received but Still Open (Pending)

5. Jill Burke & Pat Cloutier, 700 Hogg Hill Road, would like to build a 2-dwelling unit (duplex). The applicants' plan for the structure has been reviewed by the Planning Board; based on "slopes & soils" report (Tom Dombrowski) the PB signed off on the plan. Applicants also have a valid Driveway Permit (curb cut) and the driveway is built according to the requirements of the permit. The Road Agent provided no special instructions with respect to the driveway.

The driveway is currently roughed in with "rip-rap" to allow vehicles and equipment access to the location for Individual Sewage Disposal System (septic) and the proposed residential structure. The driveway as it stands crosses approximately 40-50' of non-designated wetland (meaning there is no buffer) with 18" diameter culvert in place to allow flow of water in the wetlands. The NH Division of Environmental Services (DES) has been notified regarding the location of the driveway. There is no alternative location for the driveway because the thin band of wetlands traverses the lot laterally. Most of the lot is free of wetlands, including the buildable area for the septic and duplex. Applicant is waiting for response from DES regarding what permits, if any, are required. Due to the nature of the incursion and the applicants' effort to maintain the wetland area, a permit may not be required.

Zoning Coordinator has been out to the site and has discussed the plan with Mr. Cloutier. There are no wetlands issues in the location of the planned structure (it's just the driveway, which is not a structure under the Zoning Ordinance), no setback issues and the residential 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. Status: Pending.

Applications Reported Previously – Still Open

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

Other Matters.

A. Work with Planning Board Chair regarding standard application and process for Conditional Use Approval. The Zoning Ordinance refers to a “Conditional Use Permit” (Ordinance Section 8.21 at pp. 27-28) but such has never been issued. In the several prior matters involving expansion of a structure into or in a Conservation Overlay District (Wetlands) the PB has considered the matter and issued an approval of the plan, which was then reflected in the minutes of the proceeding. Where the PB might NOT approve a proposed plan, the applicant’s recourse would be through appeal the Zoning Board of Adjustment.

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. Application for Conditional Use has been filed (fees paid) and is scheduled to be heard at the next PB meeting (July 15).

Mr. Howard acting as Agent for the Applicant(s).

C. Attend Zoning Board of Adjustment meeting and presented on behalf of the Town, the case for a Special Exception (20’ of relief to build in the rear setback – no closer than 15’ from the rear lot line) to allow the Springfield Historical Society to build a 20’ x 14’ “barn” next to the existing museum building The Town owns the property and the barn will be used to showcase the town’s long history in agriculture, including maple sugaring in the community. When finished the barn will become property of the Town. Special Exception granted per the terms of the application. ZBA process and approval was required because under NH law activity of a Historical Society is not considered a “governmental function.”

D. Contact with DES and the Office of NH Attorney General regarding matters involving wetlands and shoreland protection. Follow up on various matters per request from the BOS.

E. Inquiry regarding classification, existence, and extent of the Pettengill Road as a Class VI Road.

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Whit has been doing a lot of work with the planning board to standardize a process that should’ve been done years ago addressing the conditional use approvals. That was precipitated by the matter on Stoneybrook Road.

The town’s application for a special exception to the zoning board of adjustment so the historical society can build a 20 x 14 foot barn sailed through the proceeding, and was approved.

Whit brought attention to item five. Jill Burke and Pat Cloutier were approved to put a duplex on a lot over on Hogg Hill Road. The lot is large enough to support two dwelling units, and the plan is sound and is being built in a spot that is not a problem as far as wetlands or setbacks. The problem is there is a thin strip of wetlands that traverses the property about 150 feet in. The only way to access the back of the property is to cross that wetland. Whit feels we have an obligation to report it, and the fact that they put in a culvert is of interest to the Division of Environmental Services. Whit doesn't know what to expect from the DES; there is no reason to hold up the zoning permitting process because the structure, the house itself, is perfectly located in the buildable area of the lot. They have not violated any aspect of the driveway permit, which allows for the curb cut and the grade in the driveway for the first twenty-five feet. There is a spot on the zoning permit application that asks if all wetland permits have been obtained. Whit is waiting to hear back from DES to find out how steep a hill the applicant has to climb, that is why this matter is pending. Whit is hoping to have this resolved by the next selectboard meeting.

Whit said in the process of doing this, he reviewed the driveway permit application and it's his opinion that the town would be well served if some time and attention was given to improving the form. It has a number of errors in its statements, and we need to clean that up.

Dick asked about item E under other matters; what was the answer to the inquiry. Whit did not have an answer to that inquiry. Whit went back to research the minutes previously, also asked the individual what they are trying to accomplish here. The individual appeared before the planning board at the last meeting, Whit was not present at that meeting. According to the individual who was seeking the advice, he was advised by the planning board to speak with Whit. Whit admits to not being an expert when it comes to understand the history of class VI roads in the town of Springfield. He also refers to the termination of the class VI road on the basis of a certain property owners name. Whit is not sure what the objective is here. Whit has reviewed the minutes from the meetings where the research done by Clayton Platt was reported, and it was difficult for him to tell what the conclusion was.

Unfinished Business:

Amy would like to know if Tamara was able to consult with the engineer regarding Sanborn Hill. Amy has an established relationship with him and would be happy to take that on, but first would like to see where Tamara is with it.

Dick did find out from the library the contact in Concord DOT to find out about putting signs on the state road. Dick has turned this over to Tamara.

Dick has tried to make contact with Myles Sparrow about our skateboard park and has not heard back from him yet. This is to get an estimate of how much it will cost to repair the skateboard park.

Dick stated this past weekend was quite varied, we had some very positive things happen, a great successful family fun day, great chicken barbeque and the road race which 28 people signed up for. We also had two very moving celebrations of people's lives, Lars Mester and Lucille

Wheeler. They were both done with a lot of grace and class. Dick expressed his thanks to New London Hospital and the EMT's for bringing Lars' together and hosting that service. Janet also thanked the Springfield Police Department for hanging out all day Saturday.

New Business:

Janet obtained information about enhancing the security at the fire department and the possibility of cameras. Janet provided the options and quotes to the board of selectmen. The security company could be ready to install as early as August. Dick and Amy feel it would be beneficial to have the police department and fire department meet with Capital Alarm to determine what would best suit the town.

Dick stated that when Frank Anderson passed, the town took up a collection to buy the flagpole and erect it in his honor. At the time we also decided we would try to get some kind of plaque to recognize why we got that flagpole. Leigh provided Dick with some websites, where he was able to find a plaque made specifically for flagpoles. Dick made a motion to authorize up to \$350 to get this plaque made for the flagpole, and once we get it invite the family members and have a ceremony and put it on. The motion is seconded by Amy and unanimously approved.

Correspondence:

Janet received an email from someone who is looking to see if the selectboard would approve him to apply to NH Fish and Game to get a permit to bait bear, during whatever season that can be done in, on the town owned property off Shad Hill Road, which Janet believes is referred to as the Brooks lot. His grandfather owns a camp of some sort on Carter Brook Road, so he is familiar with the area. He has never hunted bear before but wants to start. If the board approves, he just needs a signature of the selectboard acknowledging as a landowner and then the state would end up issuing the permit. Dick and Amy agreed this should be tabled until the next meeting. Dick will do some research on this and feels Tamara should be included in this discussion.

Signatures:

KLPA request to rent the Protectworth room for their annual meeting in August.

Yield tax assessment

Purchase and sales agreement for Dave Saggese

Miscellaneous Business:

Dick informed Ryan that he has been receiving his messages and listening to the recordings. He asked that Ryan keep sending them along.

The meeting was adjourned at 5:32 p.m.

Jill Hastings

Deputy Administrative Assistant