

BOARD OF SELECTMEN

July 26, 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, Dick Hendl and Amy Lewis

Others: Don Hill, Marla Binzel, Keith Cutting, Whit Smith, Ryan Peterson, Jim Cyr of Fish and Game, Greg Bruss, Cynthia Bruss, Chief Michael Beaulieu and Office Patrick Zullo

Scheduled Appointments:

Jim Cyr of Fish and Game was asked to attend the meeting by Chief Beaulieu to address ATV concerns in town. Officer Cyr is aware of the concerns in certain areas of town, and he will continue to patrol those areas. He would like to get a tentative list of Class VI roads for all the towns he patrols, Springfield being one of those. This will help delineate which offense they are dealing with depending on where these people are riding/driving.

Don stated he has talked with so many people in many towns, in uniform and out of uniform and it is amazing how many people just assume that if it's a dirt road ATVs are allowed. If there isn't a sign that says ATVs welcome, and you don't have a written permission slip on you for where you are, you are in violation of the law. Jim said that is correct, all ATV use on any road is illegal unless the town has deemed it open. In all nine town's that Jim covers there is no legal riding at all. Jim can patrol on ATV but doesn't like to do it because people may see the tracks and think it's ok to ride there.

Cynthia Bruss, who lives by McDaniel's Marsh, asked if it was legal for trucks to go out there. Jim said it is, and that is one of the reasons he wants to find out the classifications of these roads to know who is allowed and who isn't. Jim said as long as it is a public way, any road legal vehicle can drive on it.

Dick asked if it is worth putting some signs up against ATV use. Jim said it is worth it, but the downside of signs can be that if they aren't posted everywhere riders might think they can ride where the signs aren't posted. Don has heard a lot of concerns about the growth of ATVs, but personally has no expectation of any of the people in uniform to be out there parked, waiting to get someone. Don is just wanting to end any confusion in any landowner's mind; he just wants the information out there. Jim informed Don that it is ok if a resident sees an ATV riding, with confidence the property owner can tell the rider they can't be there unless they have written permission.

Keith owns an ATV and UTV and ninety-nine percent of the time they are used for farming. On a couple of occasions they've received smoke calls of potential forest fires on Sanborn Hill. Both times the fire department stopped and used Keith's ATV and UTV to travel those roads and search for smoke; Keith asked if he was breaking the law. Jim said technically, yes. However,

there are situations, like this, where he has allowed the departments to do what they need to do if the situation calls for it. Keith asked if the town has an agreement or understanding with the NH Department of Forrester and Lands to use ATVs in the Gile for emergency services purposes. The board is not aware if there is an agreement, that would be something to ask Chief Lacaille.

Jim informed everyone that it is very worthwhile to report ATV activity, he may be in the area and able to look into the matter immediately. Even if Jim, or another officer, is unable to get there it is helpful to know the patterns of the ATV users. Jim also added that if someone is driving, age 16 or older, they must be a licensed driver. They can operate on trails with a safety certificate. Jim stated it is best to call the state police non-emergency line, they will know how to reach Fish and Game; the number to call is 603-846-3333, which is troop F. Also, if you go to huntnh.com that will bring you to the fish and game website where you can find all the rules and regulations under the OHRV tab; you can also find trail maps. Tamara thought it may be a good idea, since so many people aren't aware that ATVs can't be ridden in town even on Class VI roads, to post something on the website.

Dick asked Jim about the bear baiting request the town received. The board is aware that it is legal, but he is wondering if Jim had any guidance on the subject. Jim said if the board decides to allow the request stipulations can be made, like compliance with all fish and game law, removal of stand and all material by the end of the baiting season, etc. Liability is one thing that can be tougher because you are giving permission, but the positive thing is that there is a lot of case law that protects landowners and believes that extends to towns as they are landowners too. If you as a board are not comfortable with the request it's the towns right to deny it. Janet asked if he is granted permission is he the only person that can hunt at that bait site. Jim said he's a permittee and he can have two sub-permittees that can hunt on that site as well. So, you can potentially have three different people that can take bears off that site. If the permittee takes a bear before the other two people, he can no longer bait it, and only he can bait. The other two would be able to hunt on that site, but he cannot put any more bait down as that would be aiding and assisting once his tags are filled. The board thanked Jim Cyr for his time and the information he provided.

Zoning Permits:

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, July 26, 2021. Here is a summary of permit applications and Zoning Coordinator activity.

Application for Permit – Acted Upon, APPROVED

None.

Zoning Permit Amended or Modified

1. Mr./Mrs. Pavlik decided they wanted to increase the size of the garage they are planning to build at 1691 Main Street. Adding 2' to width and 2' to depth. No change in location. No setback or wetlands issue created by the change. \$25 fee paid for filing modification to plan/amendment

to permit. Amended permit APPROVED per delegation of authority.

2. Mr./Mrs. Pavlik are planning to change the design of the house they are building at 1691 Main St. Although the "footprint" is the same, instead of a "ranch" (single story), now the plan is to build a "cape" with finished space on the second floor. The Pavlik's have poured the foundation with provision for a walk-out basement to a patio (not shown in the original application) They have been up front in communications and have been advised they will need to amend the current permit to show the modifications. Although foundation has been poured, it was done to the size in the original application; and construction on the "cape" has not started. After measuring and reviewing revised architectural drawings the amount of finished space is still less than 1600 sq.ft. Accordingly, the fee for change/modification is \$25. The Pavilks also decided to add a 16' x 16' patio off the basement walkout. (Fee of \$25 for patio has been paid.) Note: Pavliks have said basement space will not be finished; storage and utility only. Zoning Permit as amended APPROVED per delegation of authority.

3. Yankee Barn Homes, 13 Winding Wood (Eastman) – Beezeway converted to mudroom with three (3) foot expansion to allow for closet space. (Fee of \$50 paid) Zoning Permit as amended APPROVED per delegation of authority.

Application(s) Received but Still Open (Pending)

4. 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.

New Hampshire Department of Environmental Services has been notified of very limited wetlands incursion. Matter reviewed with both Chairs of Planning Board and Conservation Commission. Applicants are working with DES to either obtain appropriate waiver or permit. No issues are anticipated.

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 "duplex." (it's just the driveway, which is not a structure under the Zoning Ordinance), there are 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. Recommend Approval of Zoning Permit Application so that applicants can proceed with their build.

Applications Reported Previously – Still Open

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

Other Matters.

A. Attend Planning Board meeting. Matter involving expansion of structure in conservation overlay (Stoney Brook Road) – Conditional Use Approval granted by Planning Board. Mr. Howard acting as Agent for the Applicant(s).

B. Inquiry – swim pool, porch addition and bay window modification (Casey)

C. Prepared revised fee schedule to allow equitable treatment of modifications/amendments to Zoning Permit applications to avoid requirement that applicant submit a new permit application to address modification.

D. Inquiry regarding fabric shelter (Hummel)

E. Inquiry regarding walk out basement change in plans Winding Wood Road (YBH)

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Whit said there has been a number of approved permits where the applicant/permittee has come back and said they are planning to make some changes. Whit has distributed a revised fee schedule that is really the same as before but it incorporates modifications or amendments to existing permits. Whit has already implemented this but would like the board to take the new fee schedule under consideration. Dick made a motion to accept Whit's new fees for zoning permit applications as he has presented it. The motion is seconded by Amy and unanimously approved. Whit provided copies of the updated fee schedule to the board.

Yankee Barn Homes (#3) also has a modification coming in for a build that hasn't even started. That modification is not on the report as it was just received today.

Jill Burk and Pat Cloutier (#4). Whit has had a number of conversations with the property owners. He has also brought Tim Bray out to the site as a former wetlands scientist specializing in wetlands delineation. Whit is learning about this, but wetlands delineation is someone that goes out and scopes out the edges of where the wetlands might be so that further research and inquiry can be done. Whit likes the idea of a wetlands scientist doing delineation as opposed to the course filter; it tends to be a more objective review and analysis.

In the case of Cloutier/Burke, the location of their house is perfectly situated, there are no issues with that. The location of the driveway and curb-cut is also acceptable and in compliance with our driveway regulations. Ms. Burke and Mr. Cloutier are proceeding with DES. Whit has been in touch with DES and feels that is a matter between them and the property owners. They have acknowledged to Whit that they are in the process of obtaining either the appropriate waiver or the appropriate permit to run the driveway across a very limited amount of non-designated wetlands. Whit recommends that we approve the zoning permit so they can go ahead with their

build and that they need to bring themselves into whatever requirements DES may have. To answer Dick's question, their intention is to use the property as an income producing property and the duplex will be two long-term rental units.

Dick is concerned with what will happen if DES says we want certain things to happen, and things have already progressed to the point where it's no longer a simple matter. Whit has discussed this scenario with the applicants. According to DES the method of construction that they've used is the one they would recommend. There is more than riprap, there is also the appropriate fill; the riprap doesn't become the fill, it's just a surface material. They have also put a culvert in. This is something Whit would like DES to decide with the applicant as opposed to Whit and the board trying to determine the best approach. Marla Binzel has no question that DES will ultimately approve the driveway across the wetland because there is no way to get to the rest of the property. From Marla's understanding they indicated they just needed to go through the minimum impact application process.

Tamara doesn't have an issue approving it, because DES is aware and it sounds like the property owners are willing to work with them if there is an issue. Amy agrees with Tamara. Dick stated as long as the property owners agree that it is between them and DES, and if DES requires something they've got to undo they will. Janet asked that Whit write something to that effect on their application before approving it.

An approval of conditional use was made by the planning board for the structure on Stoney Brook road (A). Until there is any change in the footprint or expansion of the build, Whit's position is that a zoning permit is not required; it is just the rebuilding of a structure. Marla Binzel said this did become before the conservation commission; they had to build a dam and sort of move the pond, to do their build.

Minutes of July 12, 2021:

Dick made a motion to accept the minutes of July 12th as written. The motion was seconded by Amy. Dick and Amy voted in favor of the motion; Tamara abstained.

Court Status:

There is no activity to report on the status on the court actions.

Unfinished Business:

Tamara and Pete took pictures and video of the road condition of Sanborn Hill. Tamara will forward this information to Amy so she can contact the engineer, John Warocha.

Tamara reached out to Robert Hyslop, the sign maintenance supervisor for the state, about signs for the beach on Route 114 but has not heard back from him yet.

Dick has had no success in contacting Myles Sparrow about the skateboard park. He will try one more time and then move on to plan B.

At the last meeting Dick made a motion to allocate \$350 to have a plaque made to put on the flagpole in honor of Frank Anderson. Dick is asking that we amend the motion to allocate up to \$400 to have the plaque made for the flag. Amy and Tamara are in agreeance with that.

The board reviewed the bear baiting request. After some discussion the board voted unanimously against allowing the request to bait bear on town property.

Janet asked if there was an estimate as to when they are coming to fix the window at the fire station. Tamara has not heard anything.

Janet asked if there has been any update on the new highway truck as we need to start thinking about financing. Tamara has not heard and will contact Pete Abair tomorrow morning and provide an update at the next meeting.

Janet received a call from Al Lindquist, the owner of the property at the top of Sanborn Hill, he claims he just had a conversation with Art Conkey and was told he had been shut down from being able to haul from that site. Mr. Lindquist wanted to know why; he was told one of the reasons is because it is the understanding of the board that the letter of credit from the bank was only good for sixty days from the beginning of hauling; the interpretation was that had expired at the end of June. Mr. Conkey had come in and had a conversation regarding this with the selectboard. It was assumed that Mr. Conkey would get back in touch with Mr. Lindquist; Mr. Lindquist said that didn't happen. Mr. Lindquist wants to know what the board needs and wants from him. Janet told him she would see about having the board put together in writing what they will require of Mr. Lindquist and send it off. In the meantime, Mr. Lindquist was going to go online and look at some of the recent minutes of the board meetings.

Janet informed Mr. Lindquist that this has been going on longer than anticipated and that it needs an end date. To that Mr. Lindquist said if they would stop prohibiting him from hauling, he'd be able to get it taken care of. Tamara said he will not be hauling any longer. Amy will be in touch with John Warocha, an engineer, and the board will send Mr. Lindquist a letter stating what needs to be done to the road and reclamation. Once that is done, if Mr. Lindquist wants to haul again, he will probably have to go to planning board to get a site plan because as far as the board is concerned if material is hauled from that site to a final consumer that is considered a business location and planning board will have to approve that. Once that is done the board will relook at possibly doing a bond going forward.

Board and Department Updates:

Highway Department – Tamara shared that Pete has talked to someone about installing LED lighting in the highway garage side of the building.

Pete informed Tamara the company we have used to lease the mower from has gone out of business. Pete purchased a mower, and it is available for lease to the town to mow roadsides. Marla stated they had a resident come in to express concern about knotweed and to ask whether our town highway crew knows not to mow it because it will just spread it. The conservation

commission decided to form a task force and Emily Cleaveland is heading that. What she envisions for the first year is an information gathering and dissemination activity. They will gather information and best practices from the state, possibly sponsor a talk. They would not go directly to the highway department; they would come to the selectboard and go through proper channels to potentially correct a problem if they are mowing. Tamara said mowing has not yet started for this season. Janet added, as a person that has a big patch of knotweed across from her driveway, that it is a very dangerous situation. She can't see around the knotweed, living on a corner the visibility is terrible. Marla stated the state does not mow knotweed anymore. Janet added that on route 114 it is growing out into the road so you can't walk on the shoulder of the road. It's a problem. Marla said what the task force wants to do is get information to the landowners on the proper ways to try to control it. Marla said the only good way to deal with it is herbicide. However, you cannot use herbicide in a wetlands area. There are some other methods that need a lot of diligence. Marla informed the board that if it's a state right of way then you have to get permission from the state and you can only do it certain months of the year; there are many factors. Marla also pointed out that the only people who can spray on a piece of property are either the landowner or a commercial applicator. That's why the town crew can't spray on the town land because the crew doesn't own the town land. Dick asked if we could contract with a commercial outfit to do this. Marla said yes, but it is very expensive. Marla said this knotweed spreads by pieces of leaf, stem or root as small as an inch.

Library: Dick informed the board that library trustees will meet on Thursday.

Correspondence:

Notice of proposed regulations

Copy of draft auditor's report to each board member to review.

Signatures:

Cemetery Deed

Intent to Cut

Tax collector abatements for the property owned on Hogg Hill.

Miscellaneous:

At 5:58 p.m. Tamara made a motion to enter into non-public session to discuss personnel per RSA 91-A:3. The motion was seconded by Dick. By roll-call vote this was unanimous.

The board moved back into public session at 6:20 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 6:20 p.m.

Jill Hastings Deputy Administrative Assistant