

BOARD OF SELECTMEN

August 9, 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: Chief Michael Beaulieu, Peter Abair, Mike Lawlor, Leigh Callaway, Darrin Patten, Whit Smith, Dan Saulnier, Ken Jacques, Ryan Peterson and Sarah Anderson

Leigh Callaway shared that a few weeks ago the board provided the venue for a very well received dog exhibition. On behalf of the board of directors of the Fish and Game club Leigh thanked the board of selectmen for allowing that even to take place. The event was written up in the Eagle Times and a picture was published in the Intertown Record.

Scheduled Appointments:

Ken Jacques, Darrin Patten, Dan Saulnier – site plan for highway storage and future sand shed:

The board received the information that was provided by Dan Nash. Darrin provided and explained two maps that were done by Dan Saulnier to the board of selectmen. The map has some changes from what Dan Nash presented in his report.

Darrin said that if one, or more, of the selectmen are willing Darrin, Ken and Dan would help do the RFP. Ken feels having Dan look at the RFP would be beneficial. Ken also suggested that we create a short list of who we want to look at this project. We want to choose people to come in and do this job in a timely fashion so it's not dragging on. Amy asked if the town has the full amount in reserve that we expect to spend. The hope is that we do. Dan Nash's numbers are higher than anticipated, but there have been some things moved out of that so more than likely we can come in under that amount, we just don't know yet. Amy stated if we already have the agreement from the town to spend the money, and we aren't borrowing money, we are not required to put it to bid. Janet provided a bit of history, this project has gone to the town many times, it's been a while in making; ideas have changed, the money has been appropriated and it expires in December of 2023. Janet said there is time enough for a contractor to get this in their schedule without us running out of approval to get the project done.

Tamara pointed out that the warrant article was for \$100,000, not the \$211,000 in Dan Nash's report. Ken said that amount isn't even the correct amount anymore as Dan Nash hasn't looked at this in three months and he has backed some stuff out since then. Ken feels until we put it out to bid we aren't going to know what the cost will be. Dick asked Dan Saulnier if he would take the initial crack at the RFP using the original. Dick will provide the file to Dan so he can work on revising it.

Zoning Permits:

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, August 9, 2021.

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

Application for Permit – Acted Upon, APPROVED

1. Jill Burke & Pat Cloutier, 700 Hogg Hill Road, would like to build a 2-dwelling unit (duplex).

As previously reported, 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. Road Agent provided no special instructions with respect to the driveway.

Applicants have contacted NH DES regarding the very limited wetlands incursion. (Confirmed). Per discussion with Select Board at July 26 public meeting, Zoning Permit has been APPROVED with direction from the Select Board.

2. David & Virginia Casey, 63 Oak Hill Road, Swim Pool. Zoning Coordinator has been out to the site and has discussed the plan with Mr. Casey. 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.

Permit APPROVED per delegation of authority.

3. David & Virginia Casey, 63 Oak Hill Road, Porch & expansion of existing deck. Zoning Coordinator has been out to the site and has discussed the plan with Mr. Casey. 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.

4. Françoise Crowell, 11 Pellerin Road, Shed next to driveway. Zoning Coordinator has been out to the site and has discussed the plan with Ms. Crowell. 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.

5. Jody Barry, 620 Town Farm Road, Shed off to the side of house. Zoning Coordinator has been out to the site and has discussed the plan with Mr. Barry (over the phone). 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.

Zoning Permit Amended or Modified

6. Crosby mudroom (previously approved 4/2/2021); extend roof to allow protected entry.

7. Yankee Barn Homes, 21 Winding Wood, basement walkout to patio not in original plans; fee received.

Applications Reported Previously – Still Open

8. David and Elizabeth Erickson, to build a cabin off Morrill Road. Still waiting for plan.
Zoning Coordinator Report, August 9, 2021. Page 2.

Other Matters.

A. Inquiry as to whether a Pergola is a “Structure” under Zoning Ordinance. This one is going to the Planning Board for advice.

B. Assist BOS - preparation of text for position description.

C. Visit property with Health Officer in connection with septic design inadvertently forwarded to NH DES without proper town review.

D. Inquiry/Complaint regarding operation of “Airbnb” guest facilities. Note: Section 3.12 of the Zoning Ordinance, Uses Permitted by Special Exception, allows “guest facilities” to be permitted by the Zoning Board of Adjustment.

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Whit has been on the phone with DES regarding the Cloutier's. Apparently, there was someone who wanted to remain anonymous who was asking about what they were doing putting their driveway in there. DES called Whit to see if there was any additional inquiry or concern to which he said he wasn't aware of any. Whit also informed them his personal policy which is that anonymous is like a tree falling in the woods, if there is nobody there to hear it there is no sound. Whit did say if there is someone that has a genuine concern, and they identify themselves, we will certainly look into it.

Jody Barry (5) is all set with his shed plans. He will also be putting a deck on the house. When Whit was out there it was clear that was in the plans although Jody isn't sure what he will do. Whit informed him when he gets it figured out that's the best time to submit the application, before you start. Jody also alluded to the fact that he wants to build a garage out there.

Whit asked if Mrs. Crosby had been by to drop off the necessary fee. To our knowledge she had not.

Under other matters Whit wanted to discuss item A, the inquiry as to whether a pergola is a structure. Whit will ask the planning board their feelings on this. A pergola has been put up on Hoyt Lane. The resident of the property called Whit before constructing the pergola asking if a permit was needed, Whit was unsure. However, he inquired in a timely fashion and if it does require a zoning permit, we will process it without any late fee. There is no precedent in town on how we handle pergolas. Dick asked if it is meant to be a permanent structure. Whit said it isn't in the ground it's on concrete pyramids to keep the water from getting into the bottom of the wood; if it's well made it's got a few years in its future. In Springfield a wood constructed gazebo with

a substantial base is considered a structure. The fabric over a metal frame gazebo is not considered a structure. Amy considers a pergola a structure because it is more permanent than temporary. Whit will share that with the planning board and get direction from them. Whit said the implications of it being a structure are that it needs a zoning permit, it needs to comply with setback requirements and wetlands.

We received an inquiry that could've been interpreted as a complaint regarding additional traffic and movement and use of the words "change in the character of the neighborhood" regarding an Airbnb guest facility that's on the east side of town. Section 3.12 of the zoning ordinance refers to guest facilities that are permitted uses in the town by special exception which would be granted by the zoning board of adjustment. The first question would be is an Airbnb a guest facility; it is Whit's personal view that it is. The bigger question is what we are going to do about this in our town; will we stick with what we've got, do we want to bring in more clarity in terms of VRBO (vacation rental by owner) or Airbnb's.

Tanner Jacques was very helpful with the planning board making a distinction between itinerant rentals (less than 30 days) and long-term, lease-type, rentals in a residence. The general sense is that if you have a legitimate lease of your property, minimum of three months and usually a six month or a year lease, those are acceptable. Whit has never gotten any clear indication on how we deal with lodging. Dick feels this is already handled within the zoning ordinance, it says guest facilities are permitted by special exception by the zoning board of adjustment and the process is spelled out. Whit thinks that's true, but the zoning board of adjustment should have more direction because then the question will rapidly become how you treat one when nobody shows up at the public hearing for the special exception and there is no objection so it is granted. Then a second one, that could be similar with the same kind of impact, and a number of people show up saying they are not in favor of it. The age-old argument that every piece of property is unique is valid but there is also the precedent of how this general land use is applied. Whit doesn't think you get the benefit of saying every property is unique when you have to think about how you apply a land use permission in a general fashion. Dick said each of these things are judged on their own merits, it's not a blanket statement. Tamara added it all depends on who the neighbors are as well. Dick asked wouldn't it be up to the ZBA to make the decision on individual properties. Whit said some thought and direction, perhaps a position from the town might be a good idea.

Dick asked what the planning boards interpretation of 3.12 is as far as uses permitted by special exception. Whit doesn't know, but for over a year on an anecdotal basis he has mentioned to the planning board that this kind of land use is becoming more prevalent and it's not going away; this is something property owners use to subsidize their tax and expense profile. The other aspect is that in towns where it has been specifically addressed, rooms and meals taxes are applied; Whit doesn't believe that is the case here in Springfield. Amy stated there is a difference between offering your property as a short-term rental as opposed to listing it on Airbnb. Whit said that is correct and has come out in NH state law and has been tested in the courts. Amy is wondering if Whit is looking for something specifically to correspond to the state statute or is this to try to govern what property owners do with short-term or long-term leases on their own. Whit said it's just an effort to provide clarification to the number of questions that are beginning to emerge,

nothing more than that. Tamara said the time period is what is going to play in this. To answer Dick's question more directly, Whit thinks forcing the conversation so that there is some thinking by elected officials and members of the public puts it out on the table, and from that we can craft an approach that hopefully will allow for an equitable policy that is applied. The important thing is having a policy that is applied equitably across the citizens of this town. Dick said there needs to be a clearly defined time limit. Whit stated when things rise to the level of people saying we don't like what's going on here then we need to know what our policy is.

Sarah Anderson asked if the bigger issue is that there was a complaint about excessive activity or noise or that there is a possible Airbnb situation going on. Sarah added that we want to be careful because there seems to be some noise complaints that are not responded the same as others; she is just wondering if the problem was that this person was being bothered by noise and excess vehicles or if the problem is that there is a business. Janet stated that this person's question was wanting to know what Springfield requires for someone to run an Airbnb. They have just moved in and there is one operating which does create excess traffic in the neighborhood and excess noise when it's being rented, that has caused her some concern.

Whit stated that he has heard, second hand, there has been some noise that certain things are a problem because renters are here. Whit would encourage the planning board to begin to address how we deal with itinerant rentals in town. If they decide they are fine, then that's it. Dick said there is still the matter of the rooms and meals tax of which the town gets some percentage back, it's not just if the town is ok with rentals; how do we collect the rooms and meals tax from the people offering short term rentals. Whit believes if you use the Airbnb system the rooms and meals tax is part of that process. Dick stated that part of the process is getting a special exception from the zoning board of adjustment according to our zoning ordinance.

At the next meeting the board hopes to have some information to share from the town of Grantham and the DRA regarding this subject. It was suggested Wilmot might also be a good comparison. Janet said this might be something the planning board might want to mention to their circuit rider.

Amy asked what happened with item C. Whit stated the health officer and he went over there and the health officer signed off on the septic. Whit has made several visits to the property, and it is in the process of being resolved, but unaware of how long that will take.

Minutes of July 26, 2021:

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~~ Officer Patrick Zullo

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~~ Warzocha.

Dick made a motion to accept the minutes of July 26, 2021 as corrected. The motion was seconded by Amy and unanimously approved.

Court Status:

At this time there are no updates to report.

Tamara reached out to Christine Fillmore, to again, ask if there was anything that she felt the town could do. Tamara read into the minutes a statement regarding noise at the mill:

“The Board understands the concerns and frustrations of the residents near the mill property. We have consulted with our town attorneys again about what options we might have to assist. Unfortunately, it appears the Town has already done as much as it reasonably can. The mill has been in continuous operation for over 30 years. We aren’t aware of any changes in the property or the equipment that would have resulted in a significant increase in the noise. Noise is something the Town has some ability to address under the zoning ordinance, if there is objective evidence of an unreasonably high level of noise. The Board has looked into this, both on its own and with the mill owners. Thus far, however, the decibel levels that have been measured on and around the mill property are comparable to the ordinary noise caused by passing trucks, lawn equipment, and other ordinary sources. Without more, this isn’t something the Board can take action on.”

Unfinished Business:Sanborn Hill Road and the pit status:

Amy is meeting with John this week to walk around. Tamara has drafted the beginning of a letter to Al Lindquist and hopes to have it finished by Wednesday for the board to sign and send to him.

Dick regrets to inform the board that after three emails and three telephone calls to Myles Sparrow he has gotten no response. We will have to move on to an alternate way to get the skateboard park repaired. Dick understands that Pete Abair has said he could make the repairs. It seems we will have to go that route. Tamara will talk to Pete about these repairs tomorrow.

Dick is awaiting the delivery of the plaque for the flagpole. As soon as it is received Dick will contact Cynthia Anderson and ask her to round up the family members that are around and have a little ceremony.

Tamara said there were a couple of culverts from the previous storm that plugged up. Pete and Tamara went and took some pictures. Tamara contacted Rob Bell because one of the culverts was on his property and he went and cleaned it up the next day.

Janet said the insurance company has been reaching out to see what the status was of the heating oil spill problem at the highway garage. Pete Lacaillade brought over the bill from Clean Harbors. The check has been written. It is believed we will pay the bill and the insurance company will reimburse us. Janet received the valve from Mason and a report of what went wrong, that has been sent off to the appropriate person. Mason can’t find a replacement valve, so he will come up with a different way of getting the fuel to the heating elements.

New Business:

Sarah Anderson has a question about their property at 2026 Bog Road. This is a Springfield residence, taxes are paid to Springfield school district is Springfield, but it only comes up as Enfield NH. This probably has never been an issue, but for Sarah and John it's concerning because of 911 purposes. Sarah wants to know how to fix this. When you type their address in it only comes up as an Enfield address. Janet looked at the 911 maps, and stated her address is listed as Springfield in the 911 system. Sarah said if anyone tries to find them using GPS or something similar it comes up as Enfield. Janet said the states 911 does not talk to the mappers who do Google or anything like that. Whit stated this is a common problem. The 911 system is pretty good, the USPS database is a complete mess. If you are using a GPS tool it relies on certain databases, some are good, and others are not. This will only resolve itself over time. Whit said this problem will probably be resolved substantially in the three-to-five-year time frame. It has nothing to do with changing road names or changing addresses. It has to do with navigation systems for automobiles and as the errors are discovered they are constantly working on correcting them. Janet let Sarah know that if she provides the land line number to that location, she will check it with 911.

Board and Department Updates:

Dick said the library is working on ideas for fundraisers for next year's scholarship program. They are also pursuing a grant from the state library system which requires them to collaborate with another town function. Right now, they are working with the Historical Society to see if they could help them digitize their records. It was also suggested that if the Historical Society wasn't ready for that maybe the cemetery commission might have some collaborative ideas.

Chief Beaulieu informed the board that he met with another officer that will be coming on part time. He has seventeen years in the business, he was a Lebanon police sergeant. He is well schooled, holding a degree in criminal justice. Chief Beaulieu will be doing background checks and psychological on him so he can get him on board as soon as possible.

Janet handed out the audit at the last meeting, is it ok to tell the auditors to finalize the document. The board agrees to finalize the audit documents.

Janet was visited by the sales representative that just sold bulbs to Pete for the highway garage. He had Janet change a bulb in the office to see the difference. The bulbs are \$29.98 a piece; twenty-four lightbulbs would cost over \$700. Janet told him she couldn't authorize that kind of purchase. The board is not interested in switching over these bulbs at this time.

Signatures:

Two timber tax forms.

The meeting was adjourned at 5:16 p.m.

Jill Hastings Deputy Administrative Assistant