

## **BOARD OF SELECTMEN**

**August 23, 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: Pixie Hill, Corey Swenson, Chief Michael Beaulieu and Whit Smith

### Scheduled Appointments:

Pixie announced that she would be posting an office closure for September 9<sup>th</sup> to attend the annual town clerk conference. Also, the office will be closed on September 6<sup>th</sup> for the Labor Day holiday.

Pixie stated from time to time they get requests from people asking if they can pay back-taxes for an individual, usually a relative. The answer is, if they don't have a legal interest in the property they cannot pay back taxes. Pixie contacted the town clerk tax collector's association, they sent a form which if signed would allow back taxes to be paid by someone other than the property owner. This form was forwarded on to Christine Fillmore. If the Board of Selectmen agree, Pixie would like to include on the form that both the taxpayer and the agent (the person who wants to pay the taxes) get their signatures notarized, as recommended by Christine Fillmore. Pixie shared the form, along with Christine Fillmore's response, letting the board know that is how she would like to proceed. Amy suggested amending the letter to add a line saying that the payer has no legal claim to the property. Whit said he would be happy to have a conversation with Christine Fillmore to make sure a form is produced that will work for the town. Whit will draft a version of this form; Pixie will forward the word document to Whit for editing.

Corey Swenson stated that his uncle had sold a right of way to the property on Sanborn Hill to Continental back when they put the interstate in. This was just a path through there, it was never used because they would just access the road from the interstate. Once Conkey got in there they hauled in 6x6 timbers and laid them all down so tractor trailers could get through there. Corey is worried when people realize the hauling has stopped, they will start trespassing and using the property as they wish. Corey stated no one has the right to be in there. Corey said his property has been chopped up quite a bit since they widened the right of way so much.

Tamara informed Corey that the Board of Selectmen sent a letter to Mr. Lindquist, the current property owner, because hauling has stopped. The Board is requesting that Mr. Lindquist hand over to the town the amount he agreed upon once he was finished; then either we take care of the road, or he uses the money to take care of the road. The letter was sent on August 18<sup>th</sup> by regular mail to Mr. Lindquist at two different addresses as well as the bank. If there is no response received the letter will be sent again as certified mail. Whit said it is a problem and we are taking it one step at a time. Whit suggested that Corey contact his own lawyer and find out the

exact terms of that right of way; it may be that they have expanded the right of way without legal authority. The lawyer should be able to find this information on file with the county recorders office.

Zoning Permits:

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, August 23 2021. Here is a summary of permit applications and Zoning Coordinator activity.

Application for Permit – Acted Upon, APPROVED

1. Tim & Kara Berns, expansion of existing shed. Zoning Coordinator has been out to the site and has discussed the plan with Mrs. Berns. 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

2. Crosby mudroom (previously approved 4/2/2021); extend roof to allow protected entry. Do not know if fee has been paid. (Reminded property owner)

Other Matters.

A. Inquiry regarding construction of deck next to dock on Kolelemook Lake. Went and had a look, left card in door.

B. Assist in preparation of letter w/ attachments regarding project at southern end of Sanborn Hill Road.

Contact Lou Caron (w/ Tamara Butcher) regarding November 2013 report; obtain copies of video taken (condition of road shoulders). Received complaint from Sanborn Hill Road neighbor regarding damage done by trucks hauling material "out of the pit." Invited resident to attend BOS meeting.

C. Attended Planning Board meeting. Discussion regarding short term rental facilities. Prep note to BOS per Planning Board decision for request that Select Board to take up the matter and convene a work session. (Snyder, McGraw)

D. inquiry regarding permit needed for roof-mounted PV solar array. (Blay)

E. Several inquiries regarding property at 2262 Main Street that has been offered for sale.

F. Inquiry regarding garage structures. (Bridges)

G. Request for letter from town waiving right to post-installation electrical inspection of PV solar array. (Lakin GSS)

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Whit discussed item A under other matters. Whit had a phone conversation with a property owner on Woodcrest who has built a deck. That person has been set straight regarding DES shoreland protection. Whit also steered him in direction of the homeowner's manual for shoreland protection rules. Whit will look into some information this person was told regarding deck size and what was allowed or exempt under shoreland protection.

Whit spoke with Mr. and Mrs. Crosby today and their payment is coming. No further work has been done on the mudroom.

Whit has received several inquiries regarding the property at 2262 Main Street. Tamara said the town office is also receiving inquiries. The questions that are coming to us are things that should be dealt with by the listing agent. Whit will contact the listing agents at Coldwell Banker.

Whit received a request from Granite State Solar for the town to waive its right for a post installation electrical inspection of a solar array. Whit said these have never been inspected so we aren't really waiving anything. Whit sent them the form letter that we don't do these inspections, but they requested a signed waiver. Whit signed the waiver as the zoning coordinator.

Minutes of August 9, 2021:

*On behalf of the board of directors of the Fish and Game club Leigh thanked the **Board of Selectmen** for allowing that ~~even~~ **event** to take place.*

Dick made a motion to accept the minutes as corrected. The motion was seconded by Amy and unanimously approved.

Court Status:

There are no updates to report at this time.

Unfinished Business:

Dick received the plaque for the flagpole and is working with Cynthia Anderson to invite family members and come up with a few dates that would work to hold a ceremony.

Dick has provided Dan Saulnier with the RFP for the sand shed.

Dick said that we need to have a public hearing to accept the money that was received from the Local Fiscal Recovery Fund Program. Janet has scheduled that public hearing to be held at the next selectmen's meeting on September 13<sup>th</sup>. Dick has read this money can be placed in an interest-bearing account and the interest belongs to the town in case there is any future

ramifications. Angela will check with the NH Municipal Association because she had heard otherwise.

Dick has gone through all the instructions, and he does not believe we have to submit an initial report by the 31<sup>st</sup> of August. Dick has reached out to his contact at the GOFERR's office to make sure this is correct. If necessary, Dick can extract what has already been approved and get something to them by the 31<sup>st</sup> of August. The first report that needs to be submitted is believed to be for the end of October.

Amy met with the engineer regarding Sanborn Hill Road; she needs to provide some site documentation, historical information so he gets more of the whole picture. Whit said we are in the process of getting the videos that show the condition of the road in 2013 from Lou Caron. Whit said the engineer should give us the assessment for today, what needs to be done and then he can work with us to figure out what portion of that is to restore the road. Amy will ask him to focus on the curb-cut into Sanborn Hill because all of that is eroded. Whit said the engineer should express an opinion of the driveway/right of way as well.

Amy will ask the engineer to amend item two which will carry in to adjusting the scope of service a little bit. She doesn't believe this will change the fee, if anything we can just put in a request not to exceed \$1800. The board does not meet again until September 13<sup>th</sup>. Tamara made a motion to allow the updated proposal to be signed when received. The motion was seconded by Amy and unanimously approved.

It is Amy's experience with this company that if there is danger of going beyond the scope, he will reach out informing what is happening and will issue a change order. He will not go beyond the scope without an approval. Dick asked Amy if she had an idea of what the reduction of the scope is worth. Amy will check with the engineer but feels it might knock it down to around \$1500. Dick said if it will go down by \$200 or \$300 let's reduce that \$1800 so that there is no ambiguity if there is a change order. Amy will take care of that. Amy said we will strike the motion and she will get a revised report.

Whit did some research on Municipal Investment of Funds, and you can invest in an interest-bearing account. There are a number of other things, one of which being that the municipality should have an investment policy. Janet said we are supposed to have an investment policy, all the trustees are supposed to have their own investment policy and that is an area that is weak on our audit every year. Whit will forward this presentation he found. Amy offered to forward the water districts investment policy to see if we can work off of that.

#### New Business:

The list of property owners in jeopardy of tax deeding was shared with the Board. In the past the board sent letters to these people and ask them to come in for an appointment or pay what they owe before that scheduled appointment. If they come in to speak with the board then their options are to set up a payment arrangement with us, pay the full amount due or we take the

property. Tamara has the list of property owners the Board will request to have appointments with to discuss their options. The scheduled meetings will happen on September 27<sup>th</sup> at 6pm.

Dick has been giving some thought to the way the board has handled action items. He would like to see at the end of each meeting a list of action items stating who will handle which item, so it is clear.

Board and Department Updates:

Tamara spoke with Tim Julian and he is keeping track of the dam for us still, and it is down about 15 inches from the beginning of the month.

Tamara stopped by the fire department last Tuesday to bring up the subject of emergency management director and was relieved to hear they have already been discussing this amongst themselves. Pete said typically it does fall back on the fire chief. They will do some more discussion to see if there is someone that wants to step into the position.

Janet said the door alarm at the fire department continued to go off. This weekend the alarm was placed on disregard until Capital Alarm comes out on Wednesday to fix the problem. Pete will meet with Capital Alarm at the fire department on Wednesday morning.

Correspondence:

A letter of complaint was received by Mrs. Snyder. Tamara spoke with Ken Jacques this morning and he provided a similar summary that Whit gave regarding rental properties. Tamara feels the next step is to plan a work session with the Planning Board and try to come up with what the next step is and what needs to be done as far as the zoning ordinance. Whit said there was a good discussion at the planning board meeting and there is a lot more that needs to be considered. Whit said we should begin to develop a policy and that ought to involve some thought because the existence of short-term rentals is an emerging phenomenon. The Planning Board liked the idea that the responsibility would be on the Selectboard in terms of developing the town policy that could grow in to a more detailed articulation of how we want to handle it. This might result in public hearings and could even result in either an amendment or modification of the existing zoning ordinance, which is very brief with respect to what is required of people who want to operate a business. The Planning Board came around on that to the conclusion that if you are letting an apartment, room or cottage for consideration as an accommodation on a short-term basis, without defining what is a short term, then that is a form of business enterprise. Accordingly, it would require under our current zoning ordinance, to have a special exception; it would also it would require a site plan, which is not mentioned in the zoning ordinance.

Whit said the definition of guest facilities is in the zoning ordinance, but it is dated. Whit feels the Selectboard should begin the process of crafting a policy so that we can begin to figure out how we are going to deal with this. Those present at the Planning Board said they would attend that work session to get the ball rolling.

Whit said this won't happen overnight, but we should have a plan in place that our residents can react to. Whit feels this is an emergent issue. Whit said to the Planning Board there are at least a half dozen, maybe more, high end garage structures that are designed so that they can be converted into second dwelling units. Whether they become that we don't know until it shows up on their property tax card.

Whit said that leaves the board with a couple of data points, with or without a policy. The Planning Board feels that making accommodations available in the form of guest facilities on a short-term basis is a business. Whit leaves it to the Selectboard to determine whether or not the complaint from Mrs. Snyder is accurate in terms of what is being claimed and whether or not there is a business occurring at Hideaway. If there is a business occurring, there then the steps that we've taken in the past may be satisfactory and used at this point. Whit said the ordinance is clear if you extrapolate that it is a business, and these are guest facilities a special exception is required.

Dick feels that before meeting with the Planning Board the Board of Selectmen ought to get together and amongst themselves develop an approach that can be presented to the Planning Board. Whit will be happy to work with the Board to whatever extent they would like. The Board of Selectmen scheduled a work session to take place on August 31<sup>st</sup> at 4:30pm.

Future Board of Selectmen meetings will now begin at 4:30pm.

Janet informed everyone that the state has received the wetlands application for the Gove Brook culvert, but it has not been acted on yet.

#### Miscellaneous Business:

At 5:40 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 6:03 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 6:04 p.m.

Jill Hastings Deputy  
Administrative Assistant