

BOARD OF SELECTMEN

September 27, 2021

MEMORIAL BUILDING

4:30 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 4:30 p.m. and began with the Pledge of Allegiance.

Selectmen present: Tamara Butcher, Dick Hendl and Amy Lewis

Others: Mike Lawlor, Sarah Anderson Jessalyn Stranetti, Whit Smit, Barbara Cooper, Gerry Cooper and Pixie Hill

Hearing for acceptance of LFRP Traunch 1 Payment from the State \$70,194.40

The hearing was opened for acceptance of LFRP (Local Fund Recovery Fund) from the state in the amount of \$70,194.40. The American Recovery Act had this provision in it that would make available from the US Treasury, managed by the state, roughly ten percent of the operating budget from the prior year. For Springfield that is around \$140,000+. This will be issued in two payments. The first payment we have already received in the amount of \$70,194.40. The second payment will be made next year around the same time. There are some strictures about spending the money. While Dick was required to indicate what we were going to spend the money on when applying, Whit has informed Dick that the requirements have been somewhat relaxed. Just for specificity Dick justified using some of the money for re-hiring policemen to get our police force up to the strength that it was prior to Covid and to add an additional patrolman. Based on increased surveillance safety, we are looking into surveillance cameras for all the town buildings which falls under the permissible expenditure. Also, under permissible expenditures, to expand town facilities to make them more available to an increased population. That was the premise that Dick presented, that due to Covid there have been people that have moved into town, and we require larger facilities in some cases. All of these were under the initial strictures which were more restrictive than the current ones.

Under RSA 21-P:43 we must agree to accept these funds for the purposes that were provided. Dick made a motion that the selectboard accept the terms of the offer for the local fiscal recovery funds made available under the provisions and restrictions of the American Rescue Plan Act of 2021. The motion was seconded by Amy. Whit said this topic was covered in a class he attended. Designating how the funds will be spent at this time is not necessary. What is necessary is that you accept the funds and there will be a report required at the end of October where you can indicate that you have received the funds and there are seven categories where the funds can be utilized. Whit stated this grant money is characterized as reverse grant money, meaning you get the funds then you decide what you will spend it on and then you report as to how it was spent, and it must fall in to one of those seven categories.

Whit said there will be a considerable amount of additional money being made available; so, if we have some shovel ready projects, like the sand shed, that we could receive either matching or full paid grant money to cover the burden of those things. The more ready we are the better; they have relatively short time frames for dishing stuff out, but if we have a list and form letters ready

to go we'd be in good shape. This is all a function of the Recovery Act and also the Infrastructure Spending Act that is being debated in congress right now. It's prudent for us to be aware of the programs that are going to be coming down the pike.

With a motion on the table, Janet recommends the Board have the treasurer set the money aside so that it's not getting looked at as part of the unreserved fund balance. With no further questions or comments the board took a vote on the motion on the table; all voted in favor and the motion passes.

Scheduled Appointments:

Jessalyn Stranetti and Sarah Anderson – Rec Committee:

Sarah has received some conflicting information and is before the Board looking for clarification as to what events require official police details. Janet said typically when you have an event that might need some police coverage, you are not paying for police detail. You would just get in touch with Chief Beaulieu and let him know when the event is happening, and an officer will be made available. Janet said there is no cost for a department within the town to have police present.

Sarah said there has been some interest in the committee holding a class of some sort, crocheting for example, that would run for several weeks. They need to know if there would be a space they could use to hold the class. Tamara said things have been done in the lower level of the library in the past. Dick recommended they talk to Maryanne Petrin.

Barbara said the friends of the library is going to have their annual meeting in the meetinghouse as they are anticipating more people in attendance. Would a police detail be necessary for this? Janet said some private events might require the use of a police detail, but not for this event.

The New London Outing Club would like to request of the towns they support some contributions to to put on extra programs or expand the ones they have. That might be a good contact for the Rec Committee to either suggest some programs the town might benefit from. The contact for the Outing Club is Peter Smith and contact information was passed along to Sarah.

Sarah said the Rec. Committee has had a few people in town reach out to them about starting a before school care program. As a committee they said that was beyond their capabilities, but was asked to mention it to the Selectmen.

Jessalyn said they have some money that was raised by the cupcake fundraiser they will be turning over to the town. They are hoping in the future to be able to start a fund like Old Home Day did to put the money raised in so it would be available to them in the next year. Tamara asked that the committee hold the money for now until the new account is set up.

Zoning Permits:

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, September 27, 2021.

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

Application for Permit – Acted Upon, APPROVED

1. Rutledge Family Trust, Steven and Arleen Rutledge, Trustees, 1183 Stoney Brook Road, would like to build/place a 12' x 16' shed next to the driveway. There are no setback or wetlands issues, and the shed will be less than 35' high. Zoning Coordinator has visited the site; there was no observed home business or commercial activity and the applicants have represented the same on their application. Zoning Permit APPROVED per delegation of authority.

Zoning Permit in Hand; Action Pending

2. Brooks and Olivia Weathers, 1482 Main Street, would like to build a screen porch/deck/storage area around back of their house. No fee received because the Weathers haven't quite decided on what/how large, etc. On visiting with the applicant, it was decided to hold off on deciding the fee and processing the permit until they have settled on a design. Negotiations continue.

Zoning Permit Amended or Modified

3. David & Virginia Casey, 63 Oak Hill Rd, reposition 12' x 24' swim pool (Zoning Permit previously approved Aug. 7, 2021) because when the excavator started digging - the ledge was discovered! New location is next to the old location and no closer to either the road right of way or the side lot line. Accordingly, amendment is appropriate. And, hopefully, they won't find any more ledge.

Other Matters.

A. Review draft of "Noise by-law" per request from Saulnier (Planning Board) Comments prepared and forwarded to Saulnier for presentation at Planning Board meeting.

B. Attended Planning Board meeting. Discussed at the meeting were: (1) Noise Ordinance (limited discussion); and (2) regulation of "short-term rentals" per existing language in Zoning Ordinance. Seeking to provide policy clarification that rental of accommodations on a short-term basis fall under the definition of "Guest Facilities."

C. Provide information/clarification for resident regarding snow loading (per Army Corps of Engineers Study ERDC/CRREL TR-02-6, February 2002) on structures. (Ollis)

D. Respond to email from contractor regarding permitting required for construction of deck (Kolelemook Lake) Four Corners Rd (Zaleskas).

E. Respond to inquiry regarding second drive entrance (Hummel)

F. Inquiry regarding need for Certificate of Occupancy (Pavlik)

G. inquiry/Correspondence regarding change in location for wood treatment processing (Hansen Bridge). Applications for Special Exception (Zoning Board) and Amend Site Plan (Planning Board) filed. To be heard in October.

H. Respond to inquiry from contractor regarding permitting (and placement) for stand-by electric generator (Paquette)

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Whit reported that the negotiations in the Weathers' household have successfully concluded. He has a new drawing and will process that application this week.

Whit visited with Mr. Casey this afternoon and it was not quite in the spot they had originally identified. It is still located ok, but it may be too close to the side lot line now. However, they own the lot next door and merging the lots will take care of this problem. This was discussed with Mr. Casey today and Whit believes he is intending to merge the lots.

Whit has been in contact with the contractor for Zaleskas (D). Whit followed up and they are still in the process of getting the DES shoreland permit and any zoning application per the expansion of the deck is being held pending that application which is now after the fact. Janet received a letter dated September 21st addressed to the Zoning Board which was a statement providing notification to Springfield of the intention to file a shoreland permit application for construction of a deck at 164 Four Corners Road.

Mr. Spath, who also built a deck/landing area adjacent to a dock that was approved, is in the process of getting their DES permit filed. In their case there is a substantial fee and they have indicated they are comfortable paying the fee rather than moving the structure. They are also aware that this is an after-the fact situation.

Mr. Hanson (G) has purchased another parcel of land near his wood processing and bridge building enterprise. On that parcel is a 50 x 100 metal building that is much better suited for the wood treatment facility that he was approved to do. He is going back to both the Planning Board and Zoning Board in October.

Some may have noticed that the LeBlanc's have some construction happening behind their house. They are putting in a riding ring which consists of sand, stones, dirt, fill and fencing, none of which requires a permit.

Whit revised Amy's drafted policy regarding short term rentals and sent it back into the Selectmen's lap. The Planning Board would like to know where that is going. Whit thinks the Planning Board made some very helpful and good comments at the last meeting.

Whit was approached by the Director of the Political Institute, an organization at St. Anslem College. The Director would like to have an event, Whit thinks it's governmentally motivated, it's anticipating the monies that will soon become available to support the infrastructure

rebuilding programs we will all be hearing about for the next ten years. Also, the American Recovery Plan monies, and after bridges and roads and maybe a good dose for healthcare there is broadband high speed internet buildouts. Long before we ever got approved, Springfield was identified as a town that was unserved; we were considered to be a good example of how this need could be addressed in what is a rural community. We have had good success with that.

What they are planning is an event here in town, not on town property. They want to feature a rural residential house with a family that is going to say we didn't have it before, and life wasn't very good; we have it now and things are a lot better. They are focusing on seniors who are benefiting from it as well as students, educators, tele-health/tele-medicine. Of course, the state government is interested in this because they made available the \$50 million dollars to the CARES Act. They would like to hear a few words from the Chairman of the Selectboard and some folks in attendance who have benefited. Whit doesn't have a lot of details, but it looks like they are aiming for a week from today.

Tamara and Amy agree this is a good idea, it would be a good way to show other small towns what can be done. Dick is not opposed, but he would like some more information on the event. Whit will hopefully have more information to provide in the next day or two.

Minutes of September 13, 2021:

Dick made a motion to accept the minutes of September 13, 2021 as written. The motion was seconded by Tamara. Dick and Tamara voted in favor of the motion. Amy abstained.

Court Status:

Tamara read the following statement into the minutes:

There were two sets of claims in the lawsuit involving the dog kennel. The first set of four zoning-related claims (including the claim that the kennel does not require a special exception because it is grandfathered under an earlier version of the zoning ordinance) was decided in a court Order issued on April 28, 2021. The Town was successful on all four of those claims. The second set of claims, which includes a variety of constitutional claims, was disposed of by an order issued on July 12, 2021, granting the Kazenases' motion for voluntary non-suit.

New Hampshire law permits a plaintiff who takes a voluntary non-suit to re-file those claims within one year. This means that the Kazenases may be able to refile the undecided constitutional claims before July 12, 2022. However, because they did not appeal the decision on the four zoning claims, that ruling has become final. This means that the Kazenases will not be able to challenge the Court's decisions regarding (a) the Select Board's decision process when it denied the Kazenases' request for a certificate of zoning compliance, (b) the alleged conflict of interest issue with the ZBA, or (c) the ZBA's hearing procedures. Most significantly, the Court's ruling that the kennel is not grandfathered cannot be challenged.

If the kennel continues to operate, the Board of Selectmen can consider whether enforcement action is appropriate.

Unfinished Business:

Dick mailed out the RFP's for the sand shed site preparation. This was sent to seven potential bidders. The responses are due by the 7th of October and will be opened at the October 12th Selectmen's meeting.

Amy provided an update on Horizons Engineering. The scope that John Warzocha sent showed the correct number, which was \$1800.00. That was the agreed amount so Amy will give him the go ahead.

The board received another message from Eugenia Snyder regarding the short-term rentals. Tamara read a statement into the minutes in response to her question about what we as a Selectboard were doing:

"Operating a guest facility requires a special exception by the Springfield Zoning Ordinance, article 3.12. We will be sending a letter to the property owner requesting that she come to the planning board to obtain a site plan approval as they are running a business and the Zoning Board to request a special exception."

The letter has not been finalized, but it is in the works. With the boards approval Tamara will move forward with the letter.

Dick wants to have the Board either agree or disagree on the drafted policy that was put together so it can be given to the planning board and get their reaction.

Tamara read into the minutes the drafted policy:

Springfield, New Hampshire. Select Board Policy

The Zoning Ordinance of the Town of Springfield, New Hampshire (Zoning Ordinance), defines Guest Facilities as "Bed and Breakfasts, inns, campgrounds, boarding houses, and camps." Definitions at p 41. The Select Board interprets the definition of Guest Facilities to include short term lodging offered for consideration. Accordingly, any person(s) providing Guest Facilities for use by the public for a duration of less than 185 days is subject to the provisions of the Zoning Ordinance.

It is the position of the Select Board that offering "Guest Facilities" to the public constitutes a business enterprise and is a Use under Section 3.12 of the Zoning Ordinance (Uses Permitted by Special Exception) after hearing and if approval is granted by the Zoning Board of Adjustment. Additionally, since provision of Guest Facilities on a short-term basis constitutes a business, the owner/operator shall be required to have a site plan reviewed and approved by the Planning Board per normal procedures. This is in addition to State of New Hampshire regulations requiring licensed operation pursuant to NH RSA 78-A.

Amy asked if the business will be a licensed operation are we going to ask that a copy of the business license be on file with the town or submitted with the special exception application. Tamara said that came up at the planning board and yes that was going to be required. Whit stated that is the Planning Boards prerogative. The license we are referring to is a state license

and it's how they track them for the meals and rooms tax. Tamara said under the site plan they have the authority to require health and safety inspections; Whit added that needs to be added to their checklist.

Dick made a motion to accept this policy as written here. The motion was seconded by Amy and unanimously approved.

Board and Department Updates:

The library trustees were supposed to meet this Thursday. Due to an unexpected illness, it has been rescheduled for a week from Thursday.

Tamara went to the Fire Department meeting this month and they are working on deciding what they need for the new truck and a lot of emphasis is being given to what is needed but trying hard to keep the cost as low as possible.

There was discussion on an increase in calls to the Fire Department, Fire Chief and the Deputy Fire Chief to inspect properties for health and safety. Inspections is not something the town has ever required. Janet stated it's the insurance companies that are requiring the inspections, and once they make a request the Fire Chief has no choice. Whit said we as a town have a policy that flies right in the face of that request; it basically says we don't do those inspections; we don't have a building inspector and we don't have certificates of occupancy issued by the town. Tamara said this is something that is out there that we need to know about. Whit will send the Board the blank form that he works off of when questions like this come up.

Correspondence:

Janet received a request through email to ask the selectboard to consider going back to Zoom meetings due to breakthrough cases of Covid for folks who are fully vaccinated. After some discussion amongst the Board it was decided to continue in-person meetings without the use of Zoom. If and when the state says that we have to require masks, then we will. If and when the state requires Zoom meeting again then we will.

Miscellaneous Business:

Amy shared the New London selectboard is meeting tonight and one of the items on the agenda is a discussion with Eversource regarding easements. Amy will get the minutes of that meeting when they become available as they might have some interesting information for Springfield.

Pixie would like to think ahead and try to find someone, for training purposes, for four hours a week as a back-up for the town clerks office. There is a lot to the job and feels this is something that would be prudent going forward. Pixie said it will take a long time to train this person at four hours a week. Pixie is considering the future of the office, if and when she decides not to continue running for Town Clerk there will be someone trained. The board is in favor of Pixie finding an individual for training purposes.

At 6:12p.m. Tamara made a motion to enter into non-public session to discuss appointments re: taxes 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 6:24p.m. Tamara made a motion to seal the minutes discussing tax appointments. The motion was seconded by Dick. By roll-call vote this was unanimous.

The meeting was adjourned at 6:25p.m.

Jill Hastings Deputy
Administrative Assistant