

BOARD OF SELECTMEN

OCTOBER 9, 2017

MEMORIAL BUILDING

4:00 P.M.

The following are to be considered draft minutes only until approved by the Board at their next meeting.

Selectmen present: Leigh Callaway, Chairman; Dick Hendl and Tamara Butcher.

Others: Bryan O'Day, Mike Lawlor, Whit Smith, Don & Pixie Hill, Jim Bednar, Peter Angus, Tim Julian, Brian Sullivan, and Keith Cutting.

The meeting was called to order at 4:00 p.m.

Brian Sullivan, candidate for NH State Representative attended the meeting to introduce himself to the town. Leigh clarified that candidates are welcome to attend public meetings and speak publicly, but this does not constitute an endorsement by the Board or the town. Mr. Sullivan has been a resident of NH for 36 years, residing in Grantham for 15. He and his wife have four children. He has been involved in public education for 35 years, 10 of those teaching in Berlin and for 25 years as a teacher's advocate spending the last few years involved in the Kearsarge Regional School District. He has worked through many negotiations and believes his skills will be valuable in Concord. Andy Schmidt, who resigned from the legislature was serving on the Fish & Game Committee and he is hoping to be placed on the committee for the second half of Mr. Schmidt's term. He would like to review issues relative to the Lake Sunapee Boat access. Brian stated he will serve with integrity and fairness. Service to his constituents is an important part of a representative's job, and he welcomes input and will work on behalf of the 4 towns he serves. The Board thanked Mr. Sullivan for coming.

Leigh noted there will be a "Meet and Greet the Candidates" event at the Libbie Cass Library on Monday, October 30th with a question and answer period for both candidates.

Town 250th Celebration representatives, Don and Pixie Hill and Jim Bednar. Don reported the kick-off meeting for the 250th celebration in 2019 was well attended and a steering committee has been formed, and is off and running with ideas. Old Home Day will still be held in 2018, and 2019. The 250th Committee would like to be sanctioned by the Board of Selectmen as an official committee acting on behalf of the town with planned ongoing fund raising events and seeking donations that can be tax exempt. Fundraising will be taking place throughout 2018, but will not interfere with scheduled OHD events. The Committee is proposing to make the 250th a year-long celebration with events planned for every month of the year, and increased participation at Old Home Day 2019. Jim and Kuhn Bednar have been reaching out to other town boards and committees for participation ideas. The emphasis of the event will be focused on the historic nature and roots of the rich town history. The 250th Committee will also be running a campaign to raise donated funds, separate from event funds, to support a major project. They wish to leave something of benefit to the town memorializing the event. Some of the ideas shared have been 1.) Make the kitchen at the town hall more functional, while maintaining the

historic nature of the building. 2.) Install an elevator at the town hall to comply with regulations of today, so the upstairs could be used and accessed more easily, 3.) Improve the visibility from 114 to the Town Hall, having a survey done to define what the town owns as the current deed does not include dimensions, to include the land around Collins Park, and 4.) Establish a deeded right-of-way with access from the Post Office parking lot to the town land. The Conservation Commission is interested in recreating the path from 114 to Four Corner's Road that used to exist via privately-owned land. These are the ideas that have been discussed to date, 5.) Gazebo for the playing field. The Committee discussed options for handling of the funds, and tax exempt status for donations. More research will be required as to the best method. Don noted the celebration and proposed events involves the use of the meeting house, and may require that the building be kept open year-round for 2018 and 2019. Estimated fuel costs and opening and closing costs were discussed and will be further researched.

Leigh moved to adopt the 250th Anniversary Celebration Committee as an official department of the town, under the umbrella of the Recreation Department. Motion was seconded by Tamara and unanimously approved. Jim noted the Conservation Commission is planning 4 historical walks in 2019, and the KLPA will organize a historical boat trip around the lake with a point person and lecturer.

Tim Julian asked if there is a Selectman liaison for the committee. Dick Hendl volunteered to be the liaison. The next meeting of the committee is October 25th.

Keith Cutting said there may be grants available to help with ADA compliance at the Town Hall. Don stated that raising money for improvements will be separate from the 250th events, and they hope to look into grants as well.

Peter Angus: Leigh reported for the record, Peter has voiced to both the Selectboard and Planning Board concerns regarding an abutter who has cleared a very small parcel of land on George Hill Road and his understanding is there is a proposal for a registered and road-worthy semi-trailer be placed on the lot for storage. The Selectmen and Planning Board have been reviewing the Zoning Ordinance as to compliance. Leigh stated the Planning Board sent a letter to the Selectboard after their last meeting. Peter stated that he has attended both meetings in order to get an understanding of the ordinance and procedures. It was not his intention that the Planning Board would write a letter to the Selectboard. Leigh read the following from the letter "We determined that based on the discussions the landowner had with both an abutter and the Zoning Coordinator, as well as the ambiguity in the Zoning Ordinance, the Select Board should consider the placement of the trailer a use that requires a Zoning Permit as it will be used as a structure". Leigh noted he and Dick met with Town Council last week. Leigh is concerned that a decision based on the Planning Board's discussion could be abused. Attorney Tanguay had advised them, in some towns zoned rural residential consider this an accessory use if there is not a primary residence on the property. Dick noted concern with this being a gray area between accessory uses, dwelling or primary dwelling. He is uncomfortable when definitions in the Zoning Ordinance are clear on unregistered trailers, but are silent on registered trailers. Leigh stated he is not sure that this is what the Town of Springfield would like to see the Board of

Selectmen do. If the town legislative body were to vote to require a residential dwelling before an accessory structure of this nature, and the Ordinance were clear to everyone then the Selectboard would feel they have grounds to prohibit a storage “structure”. He feels strongly this needs to be clarified in the Ordinance for the voters to decide. He is not trying to duck the issue but is reluctant in setting a precedent. Dick noted a semi-trailer could be considered temporary storage, and if a case were made against it, would not hold up in court since the unit could be pulled off the lot at any time.

Peter Angus stated he agrees with the Selectboard’s concerns. He went to the Planning Board with his concern and hopes to clarify the ordinance. His feeling is it is not up to the Selectmen to make a decision without more to back it up. He appreciates the time both boards have put into the issue. He plans to keep moving forward with a proposal for changes to the Zoning Ordinance. Leigh stated the Ordinance is a “living document” that will require clarification and updating based on what the people want. Tamara agrees there is something that could be done. The Selectboard thanked Peter and the Planning Board for their input on this issue.

Leigh addressed concern if new language about registered and unregistered trailers being structures is adopted, how best to go about handling those already in place. He questioned if there should be a grace period to sort through where there are unregistered trailers, and bringing them into compliance. Dick questioned what the scope of the project might be, and being sure everyone is being treated fairly. Whit outlined a public awareness campaign that Sunapee has used, with success, which the Board might want to consider. Whit will send a copy of information from Roger Landry to the Board.

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, October 9, 2017.

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

Application for Permit – Acted Upon, Approved:

1. Wayne & Roxanne Smith, 360 Hogg Hill Road; Application for construction/placement of a 12’ x 8’ shed next to existing barn. There are no set back issues, no wetlands issue, and the structure is less than 35’ high. Application reviewed and forwarded to BOS members. APPROVED by Zoning Coordinator pursuant to delegation of authority.

2. Josh McGraw, 679 Old Grafton Road; Application for construction/erection of a 26’ tall “observation deck.” There are no set back issues, no wetlands issue. Application reviewed and forwarded to BOS members. APPROVED by Zoning Coordinator pursuant to delegation of authority.

Application for Permit PENDING:

3. Mr. /Mrs. (Jay & Dorothy) Martin, 566 Hogg Hill Rd; Application (after the fact) to place or construct 12’ x 20’ shed. Fee has not been received. Zoning Coordinator did follow up by email with Mr. Martin. No reply.

Other Matters.

A. Respond to questions from various members of Swenson family regarding replacement of trailer/mobile home on Sanborn Hill Road.

B. Review and comment on letter from Chair of Planning Board addressed to the BOS regarding planned placement of a semi-trailer on a non-conforming (.125 acre) lot on George Hill Road.

C. Review situation on Shore Drive per direction of BOS in response to signed letter of complaint sent to Zoning Board of Adjustment, and forwarded to BOS. Inquiry Report prepared and sent to BOS.

D. Address inquiry and email received from Chair of Zoning Board regarding placement of semi-trailers on property lots.

<< RWS 10/7/2017 >>

Whit also reported he has spoken with the Swenson family. 10' of the pad that was poured will be removed and the smaller trailer put there to replace the one that burned, though the family is not in agreement with what they want to do.

Martin Shed: Whit reported, a check in the amount of \$25.00 was received when the after-the-fact application for the shed was submitted. The check has been held and not cashed pending resolution and payment of the \$300 fee that was agreed upon. Absent the receipt of the fee, the matter is in the hands of the Selectboard. The Selectboard noted they have been more than fair in allowing the Martin's time to resolve this. They need to be fair to everyone and are not "picking on" the Martins. Others who have applied after construction has begun have paid the fee. The Selectmen need to choose a date to "draw a line in the sand". Leigh moved to refer the case to Town Counsel unless payment in the amount of \$300.00 is received no later than October 23, at 4:00 p.m. Motion seconded by Dick and unanimously approved.

Zoning Coordinator's Inquiry Report to Selectmen, Town of Springfield, NH October 7, 2017

Regarding Activity on Shore Drive (Map # 15, Lot 500-085)

Resident Occupant – Joe Beaulieu, Jr. (no relation to Sergeant Michael Beaulieu)

Per request of the Board of Selectmen (BOS), Town of Springfield, NH, at their regularly scheduled meeting on September 25, 2017 --

ASSIGNMENT: From the Zoning Board of Adjustment, the BOS was forwarded a written complaint (signed and dated) by Carole L. Sanetti, a resident on Shore Drive pertaining to activity of a neighbor (Joe Beaulieu) also resident on Shore Drive. The letter of complaint from Ms. Sanetti (dated September 11, 2017) states that Joe Beaulieu "is operating a logging business

from his property, and storing some of his heavy equipment and dumping his trash along Shore Drive.” Accordingly, the BOS requested that the Zoning Coordinator look into the situation.

CONCLUSION: There was no evidence that either a Home Occupation (Zoning Ordinance, Article V, Section 5.10) or a Home Business (Zoning Ordinance, Article V, Section 5.20) is being conducted on the property; in fact, Joe Beaulieu’s business is of a nature that virtually all of it is conducted at specific job-site locations. The equipment used in Joe Beaulieu’s business is stored in Croydon, NH.

DISCUSSION: Town of Springfield Chief of Police suggested that the Zoning Coordinator contact Police Sergeant Michael Beaulieu (Sergeant Beaulieu). Sergeant Beaulieu is familiar with the Beaulieu residence on Shore Drive. Sergeant Beaulieu provided the Zoning Coordinator with an introduction and Joe Beaulieu telephoned the Zoning Coordinator on Wednesday, October 4, 2017. The Zoning Coordinator accepted Joe Beaulieu’s invitation to visit the property. The visit took place on Thursday, October 5, 2017.

During the visit to the property Joe Beaulieu confirmed that he is in the logging/tree removal business. He stated that he keeps his equipment at a storage facility in Croydon, NH. While visiting the property, the Zoning Coordinator observed several pieces of heavy equipment on the lot, but none of it on Shore Drive and none of it visible from Shore Drive. None of this equipment is involved in Joe Beaulieu’s business and Mr. Beaulieu reviewed with the Zoning Coordinator each of the pieces of equipment and the immediate plans for such equipment.

Inventory of the vehicles/equipment –

- Small size bulldozer with blade. This is Joe Beaulieu’s personal bulldozer and it is used solely for maintaining the driveway access to the property. Currently, the bulldozer needs repair; Joe Beaulieu stated that it is not used in his business.
- Skid Steer. Owned by Joe Beaulieu’s father and not used in Joe Beaulieu’s business. This equipment is to be removed from the property before the end of October, 2017.
- Wood Chipper. Owned by Joe Beaulieu’s father and not used in Joe Beaulieu’s business. This equipment is to be removed from the property before the end of October, 2017.
- Bucket Truck. Owned by Joe Beaulieu and retired from his business; it is not being used. This truck will be moved to Joe Beaulieu’s storage facility in Croydon, NH, pending sale to a 3rd party.
- Heavy duty trailer (20,000 lbs. GVWR) owned by Joe Beaulieu and used for all manner of projects. Validly registered and inspected.
- Bobcat loader. This is Joe Beaulieu’s personal equipment and it is used solely for projects on the property and maintaining the property. (For example, snow plowing.) Joe Beaulieu stated that the Bobcat is not used in his business.
- Horse Trailer parked on property next to Shore Drive. Validly registered and inspected; owned by Joe Beaulieu’s girlfriend. Joe Beaulieu stated that the horse trailer is not used in his business.
- Panel Van parked on property next to Shore Drive. Validly registered and inspected; this vehicle belongs to Joe Beaulieu’s Uncle. It broke down on Stony Brook Road and is parked on Joe Beaulieu’s property pending removal by tow truck.

- Along the side of Shore Drive on Joe Beaulieu's property was a wood splitter (portable hydraulic on trailer) and a number of logs cut to approximately 24" length. Joe Beaulieu stated that he will split the logs and move the wood off the property next to Shore Drive to a clearing he has created halfway up his drive. It will not be visible from Shore Drive. Joe Beaulieu stated that he heats his home with this wood.
- Also along the side of Shore Drive on the property was a standard 48" brush hog that Joe Beaulieu stated he uses to cut the grass along the sides of Shore Drive. This equipment is not used in Joe Beaulieu's business. He stated that it is used for property maintenance.

Joe Beaulieu stated that from time to time he will park a piece of his equipment (used in his business) on his property next to Shore Drive. This is done on an itinerant basis when between jobs or if his day runs long. Normally, the equipment used in his business is either on a job-site or at his storage facility in Croydon, NH. He stated that he does not "store" equipment at his residence as might be contemplated by the Zoning Ordinance in Article V.

Finally, there was a length of culvert (approx. 20' by 20" diameter – standard black corrugated culvert). Joe Beaulieu stated that he had intended to use the culvert on his property, but it turned out to not be necessary. He stated his plan to remove the culvert from the site.

The Zoning Coordinator did not observe any trash along the edge of Shore Drive (as referred to in the letter of complaint), either on Joe Beaulieu's property, or otherwise.

SUMMARY: Joe Beaulieu voluntarily invited the Zoning Coordinator on to his property and answered all questions pertaining to the equipment on the property. There was no evidence that either a Home Occupation (Zoning Ordinance, Article V, Section 5.10) or a Home Business (Zoning Ordinance, Article V, Section 5.20) is being conducted on the property; in fact, Joe Beaulieu's business is of a nature that virtually all of it is conducted at specific job-site locations. The equipment used in Joe Beaulieu's business is stored in Croydon, NH.

Respectfully submitted,
Roger "Whit" Smith
Zoning Coordinator, Town of Springfield, New Hampshire.

Leigh has drafted a letter to from the abutter regarding the complaint of equipment storage on Shore Drive. The Board reviewed and signed the letter.

Minutes of September 25, 2017: correction page 4, "The Board briefly discussed the beach and rafts. Leigh suggested before the rafts go back in next year, the Selectboard have a [consultation] with the town's insurance company."

Projects List:

Dick reported the RFP for roofing at the Town Hall has been advertised. The retainers for engineering for beach sand replenishment and the skate park repairs has been sent.

He has found a carpenter willing to work on some of the projects on the list. He is waiting for quotes. This carpenter may also have a way to resolve the highway shed overhang issue.

New Business: Request from Town Clerk/Tax Collector office to close on Thursday, November 8th in observance of Veteran's Day, which falls on Saturday this year.

Keith Cutting, Emergency Management Director; The Springfield Hazard Mitigation Plan is up for renewal this year. The State has awarded grants to the Upper Valley Lake Sunapee Planning Commission for this purpose, and he submitted an application for Springfield to participate. The update process should take place this winter and will be submitted to the State for approval. UVLSRPC will provide personnel to assist and be paid through the grant. Springfield will participate with in-kind contribution of time spent by town personnel through a series of work sessions and meeting. A "kick-off" meeting will be scheduled soon.

The Board reviewed the status of the parcels subject to tax deeding for unpaid taxes up to and including tax years 2014. Leigh suggested the board take a look at the parcels and discuss each one with Tax Collector, Cynthia Anderson.

2017 Budgeted Expenditures: Board reviewed the YTD expenditures. Points of discussion: Costs for skate park and beach sand could be covered by unspent funds in non-recurring projects line. Whit suggested public awareness and ordinance compliance which could come out of the zoning compliance budget, but may not necessarily happen this year. Personnel administration under town maintenance and retirement is projected to go over with the addition of the full-time position. Leigh will speak to Pete about holding off on shim and blacktop to compensate. Leigh noted town maintenance may also go over in wages, but would be offset by unspent cemetery wages. Tim Julian reported the Police Department's bullet-proof vests are expiring and will need to be replaced. This is the first time he has not received donations to purchase new. The cost is estimated at \$800.00 each. The Library budget has some invoices that should have been paid out of non-recurring cataloging, and software lines and they are in the process of pulling that information to submit to the Selectmen for reimbursement. The Conservation Commission is proposing to request funds for programs in 2018. Debt Service includes the first year's payment on the fire truck. The truck may not be available until after the first of the year. Board discussed in early December reviewing the status of the budget again, and proposes making a payment in advance on the loan, or encumbering funds since the money has already been appropriated. All other debt has been paid, with the highway truck being paid in full this summer.

The Board signed the MS-1 report.

Leigh reminded there will be a hearing at the Board's next meeting on Monday, October 23, 2017 @ 5:30 p.m. for a three-year review of the indefinite use of Class V and Class VI roads used by the Mascoma Valley Snow Travelers.

Tim reported there was an emergency meeting at the library to set forth rules of conduct, specifically related to a recurring incident where a crime occurred twice, requiring the Library Director to serve a non-trespass order to an individual.

The meeting adjourned at 6:14 p.m.

Submitted by,
Janet Roberts

DRAFT