

**BOARD OF SELECTMEN**

**February 14, 2022**

**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.

Selectmen present: Dick Hendl and Amy Lewis

Others: Whit Smit, B. Manning and Pixie Hill

**Scheduled Appointments:**

After gathering information from other town moderators regarding mask requirements B is recommending that masks be recommended, but optional for town election and town meeting. The Board of Selectmen would like to remain consistent. As of now, masks are optional to enter the building and it is their opinion that masks remain optional for the election and meeting. B would like to make a statement stating masks are encouraged but optional. Dick made a motion that at the town election and town meeting a notice will be posted at the entrance that masks are encouraged but they are optional. The motion was seconded by Amy. Dick and Amy voted in favor of the motion.

B asked if there would be a concern with designating an area in the fire station for masked people to sit in if they want to avoid sitting next anyone not wearing a mask. They wouldn't have to sit there, but if it would make them more comfortable, they could. The Board is not in favor of this; people will figure it out for themselves. Pixie thinks it just needs to be announced that people need to be respectful of each other and keep distance from one another as best you can. After discussion Dick made a motion to have a sign that says, "this section is reserved for those people who feel the need to wear a mask", it is not mandatory. The motion was seconded by Amy. Dick and Amy voted in favor of the motion. The Board will accommodate a loosely enforced masked section at town meeting.

**Zoning Permits:**

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, February 14, 2022.

**Application for Permit – APPROVED**

1. Crystal Dymon, 2262 Main Street (Rte.114), would like to build a modest single story Cape with garage underneath. There are no setback issues, the structure is less than 35' tall. There do not appear to be any wetlands affected by the plan. Discussed with Hendl. Walked the property with applicant. No observed home business or commercial activity; applicant has represented the same on the application. Zoning Permit APPROVED per delegation of authority.

2. Kevin Blanchette, 1694 George Hill Rd, would like to place/install a shed on existing concrete pad next to the house. There are no wetlands issues, no setback issues and the structure will be less than 35' tall.

No observed home business or commercial activity; applicant has represented the same on the application.

Zoning Permit APPROVED per delegation of authority.

3. Françoise Crowell, 11 Pellerin Hill Rd, would like to place/install a stand-by generator in front of the house. There are no wetlands issues, no setback issues and the structure will be less than 35' tall. No observed home business or commercial activity; applicant has represented the same on the application. Zoning Permit APPROVED per delegation of authority.

Other Matters.

A. Inquiry regarding existence of wetlands on property (Town Farm Road)

B. Emails & Zoom conference with counsel for Handley/McKelvy. Receipt of Right to Know Request (NH RSA 91-A); return matter to Select Board for Notice of Violation and referral to Town Attorney.

C. Prep list of criteria regarding short-term-rentals; send to Select Board

D. Follow-up with two (2) property owners regarding short-term rental of residential facilities.

E. Inquiry from property owner regarding placement of shed inside property line setback (Cahill).

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On item D, Whit has heard back from both Mr. Biebel and Mr. Paravati. Both are being very cooperative and willing to do what needs to be done. Whit has a phone call scheduled with Mr. Biebel tomorrow morning. Whit spoke briefly with Clay Bond and agreed that Mr. Bond will get back to Whit.

Whit stated a lot has transpired in connection with Handley/McKelvy. Whit has been in touch with NMHA specifically regarding SB249 for clarification.

Whit has been contacted by Mr. Cahill and he is intending to file an application for a special exception.

Dick asked Whit's opinion on sending Attorney Herz the various zoning ordinances on the thumb drive, along with the dates of Select Board and Planning Board meetings at which short-term rentals were discussed; would that be sufficient to meet the 91A request. Whit is not sure the answer to that. Whit offered to assemble a package with everything he has done on short-term rentals, which would include emails and write-ups he has done. Whit is unsure how this has been handled in the past; He thinks a referral to what's on the town's website, the thumb drive containing all the historic zoning documents and perhaps a list of other materials and an invitation to come to the town office to review the information here would be a step to take.

Dick said our goal here is to try to give her everything that's public information; In good faith, we give her everything we know exists. Whit can help with the production of the documents consistent with what Dick has said.

Tamara shared that we haven't had many situations like this with short-term rentals prior to now. Historically, we don't have a lot of documents where we let someone do something where we shouldn't have. This is the first five we have been aware of and acted on after they were brought to the Board's attention.

Whit said that Attorney Herz has formalized the process utilizing the state statute for request for information or right to know. Because of that we need to fall back and rely on town counsel. Subject to our town counsel's review we could comply with the request as there is no basis to deny it. Amy feels we need to respond to Attorney Herz's request using Christine.

Dick sent Attorney Herz an email saying that we received her email and were working on it but that the Board wanted to consult our attorney who was out of town until Monday; Dick received no response. In the meantime, Dick feels we need to start gathering the information. Whit has already done all that as a result of organizing his short-term rental file. Amy feels everything should be sent to Attorney Fillmore and then she should be the one to provide the information to Attorney Herz. Dick suggests that the board allow Whit to put together a package, contact Christine and let Christine handle it from there. Amy agrees.

#### **Minutes of January 24, 2022 and February 8, 2022:**

Corrections to minutes of January 24<sup>th</sup>:

*The electrical is going to be done on Thursday and Friday of this week.*

Correction to minutes of February 8<sup>th</sup>:

*Amy moved to accept the 2022 proposed budget of \$1,596,369.00. Dick seconded. Board approved. Amy moved to accept the 2022 proposed bond amounts totaling \$921,270.00, plus the interest and principal. \$525,000 for the purchase of a Fire Truck, \$238,000 for construction of a Sand Shed and \$87,000 for the Sand Shed site prep. Dick seconded. Board approved. Meeting adjourned 5:00 pm.*

Dick made a motion that with those changes the minutes are approved as amended. The motion was seconded by Amy. Dick and Amy voted in favor of the motion.

#### **Court Status:**

There is no activity.

#### **Unfinished Business:**

Amy asked if there has been any resolution to the Rice email. Tamara will be emailing the Rice's tomorrow.

Dick announced that the town, selectboard and everyone else owes Whit a debt of gratitude. Whit finished the USDA application for the loan for the fire truck. The board thanks Whit for his efforts.

Whit obtained a SAM number at a cost of \$599 annually for the town, which was authorized by Dick. We will receive a notice for renewal when the time comes.

The new police cruiser was picked up. The spotlight is being installed; decals will be added after that. The cruiser will then be parked at the fire department and wait for Ossipee Mountain to install the electronics which can be as long as twelve weeks from now.

The sand shed engineering plan; How will that get done? The warrant article was taken off pending the next step which was to get an engineering plan done. Dick will contact Dan Saulnier and ask if he take the lead on this.

Back to the loan, Shawn Tanguay said either Greg Im or Steven Whitley would be a good option for bond counsel. Dick responded saying when the board finds out what the requirements of the loan are they will be in contact.

Dick announced that all the electrical work has been completed and paid for.

**New Business:**

Dick heard from Katie Lavelle and she has concerns that not everyone in the office is using Microsoft 365. To do the upgrade we have two choices; upgrade the accounts for just the people working in the office to Microsoft 365, this is an additional \$17 a month for each account that requires it. This brought some confusion because everyone in the office is supposed to be using Microsoft 365. Dick read the email sent by Katie Lavallee. Dick will put Katie Lavelle in touch with Amy to discuss this.

**Board and Department Updates:**

Amy stated that the budget has been approved.  
The Conservation Commission meeting was cancelled due to weather.  
There is no Zoning Board meeting in February.

**Correspondence and Signatures:**

Tamara received notification that the Gove Brook culvert has been approved.

The 2022 Warrant was signed by the Board of Selectmen.

The meeting was adjourned at 6:06 p.m.

Jill Hastings  
Deputy Administrative Assistant