

BOARD OF SELECTMEN

OCTOBER 23, 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, and Whit Smith.

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

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, October 23, 2017.

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

Application for Permit – Acted Upon, Approved:

NONE

Application for Permit PENDING:

1. 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.

Other Matters.

A. Review letter prepared by Mr. Callaway to be sent to Mrs. Sanetti regarding logs, equipment, motor vehicle and horse trailer next to Shore Drive (private road).

B. Draft proposal (as requested by Mr. Callaway) regarding public awareness campaign, compliance with and enforcement of town's zoning ordinance.

C. Tour town (again) with focus on registered and unregistered trailers and semi-trailers; took pictures. Prep for Planning Board meeting. Review letter from Westport, NY, regarding junk cars and the approach(es) taken in other municipalities to re-introduce need for compliance and enforcement.

D. Attend Planning Board meeting. Better part of the first hour of meeting devoted to trailers on lots and Mr. Callaway advising his intention to have conversation at BOS meeting regarding awareness, compliance and enforcement of town's zoning ordinance.

E. Meeting with Carole Sanetti (at her request) to review Zoning Coordinator report regarding visit to Shore Drive and answer her questions. Mrs. Sanetti requested that Zoning Coordinator go back out to Shore Drive to check on progress of “clean up.”

F. Back out to Shore Drive to look again at the logs, equipment, motor vehicle and horse trailer next to the road. Took pictures.

<< RWS 10/23/2017 >>

The \$300.00 fee from Mr. and Mrs. Martin was received today.

Minutes of October 9, 2017 page 2; change Town ~~Council~~ to Counsel. Motion by Dick to approve as corrected, seconded by Tamara and unanimously approved.

Tax Parcels Subject to Deeding. Selectboard reviewed the Tax Collector’s list of property with unpaid 2014 taxes subject to deeding as of October 17, 2017. D. Tarantino and W. Pitts have been making payments. Five Certified notices were unclaimed and returned to the town. Leigh recommends requesting the Police Department deliver notices to D. Brock, E. Castello, D. George, C. Rowell, and J. Thompson. Deed Waiver forms were signed.

Projects: Frank Sparrow has begun work at the skate park.

Mason and Ken Wheeler with assistance from Tim Hayes, have moved the gas line and fixed the leaking connection to the generator at the highway garage. Tim pointed out trees along the bank there that are ant ridden and should be taken down.

Dick has not gotten a proposal from the carpenter and will follow up.

Leigh reviewed a renewed effort to bring forth compliance with the Zoning Ordinance, proposing a public write-up, as well as public relation and educational sessions to phase into enforcement and compliance for everyone, not singling anyone out, with perhaps a 6 month grace-period to allow for the process. Leigh noted he was not in favor of “pushing hard” on this without the support of the other two board members as he won’t be here to see it out before the end of his term.

Tamara stated that she is not in favor. There have been no consequences stated if a 6 month grace period is allowed. She does not agree that if someone is sent a letter because they are found not to be in compliance, either by a complaint or some other means that is singling anyone out. If someone may be out of compliance, then sending them a letter notifying them of such, gives them an opportunity to defend their case. She, and others who have spoken to her think the campaign is a large expense to the town that will not result in a large outcome.

Dick noted he has mixed emotions. If a line is drawn at 1987 (when zoning began) what happens to those that were in place before 1987? His concern is it sets up a set of problems

whereby those who came before 1987 believe they can do what they want, and are “grandfathered” while others that came after 1987 have to comply because they are “new.”

Leigh noted the “policy” is solid in what is required.

Whit reported he has recently done a drive about on several public roads, and has taken pictures. He has not traveled all the roads, but has found at least a half dozen each storage containers, semi-trailers not road-worthy obviously used for storage, single and double axel utility trailers, and many campers, perhaps not registered. He suggests a work session with the Selectboard to discuss how to approach compliance and enforcement. He recommends some education to the public to explain the values of the Zoning Ordinance. The Board discussed the risk of selective enforcement if property is only being viewed from public roads, but there is no authority given for entering personal property.

The Board agreed to continue this meeting to Thursday, October 26, 2017 at 4:00 p.m., to hold a one-hour session to discuss this effort only.

New Business:

Leigh reported he and Dick (in Tamara’s absence) reviewed remarks made in anonymous letters with Town Counsel. Attorney Tanguay advised if there are some allegations made that should be checked out, the Board should look into the matter and report through meeting minutes. Dick stated he researched the allegations made in the letter to the Board of Selectmen, and also the cc of a letter addressed to the Department of Environmental Services from a “Very Concerned Citizen” relative to non-compliance issues of 140 and 150 Woodcrest property owned by Tunis, LLC. The letter contained direct quotes from Zoning Minutes and the Variance Decision. It was reported the structure does not comply with the setbacks approved, and state shoreland approvals were never obtained. Dick reported he could not find a zoning permit for the structure that has been subsequently built, and in checking with the firm that provided the site plan for an adjacent parcel of property, that structure is less than 15 feet from the property line, where 35 is required. He has also checked on the status of shoreland permits and has found none in the system. He has sent an e-mail to the shoreline people but has not heard back from them, and is still an open issue. The Board would like Whit to take a look at the letters and Dick’s findings.

Health Insurance Trust: Rates for employee health insurance for 2018 have decreased by 6.2%.

Primex Property Liability Insurance: Rate for 2018 will be \$20,057, decreased of \$2,278.

Primex Workmen’s Compensation: Rate for 2018 will be \$9,855, increase of \$236.

Board and Department Updates:

Library Trustees meeting scheduled for Tuesday, October 24 at 5:00 p.m.

250th Celebration Committee meets Wednesday, October 25, at 7:00 p.m.

Conservation Commission meets Thursday, November 2, at 7:00 p.m.

The Cemetery Trustees will have one more meeting before the end of the season.

The Fire Department is expecting delivery of the new fire truck by the end of January. They are in the process of figuring out how to make the first year's payment work.

The Highway Department has been ditching and getting ready for winter work, and have made some repairs to the red Freightliner.

Planning Board – Peter Angus was on the agenda but was not at the meeting. The decision the Selectboard made regarding semi-trailers was not brought up for discussion. The Board spent a great deal of time discussing zoning compliance and educational proposals.

Signatures:

Contract renewal for Yankee Generator for the Generac; approved and signed.

Renewal agreement with State of NH Division of Forests and Lands for Federal Excess Property for the 1953 Dunbar cargo trailer used by the Fire Department; approved and signed.

Forest Fire Warden & Deputy 2018 reappointment; approved Dallas M. Patten, Warden; Peter Lacaillade, Deputy Warden; Darrin Patten, Deputy Warden; Laura Patten, Deputy Warden; Kevin Roberts, Deputy Warden. Reappointment form signed.

Notice of Failure to File letter was approved and signed and will be sent to anyone who did not return their PA-28, Annual Property Inventory Form.

Intent to Cut Timber forms approved for Bruzga on Maple Avenue by CCM Logging, and State of NH Gile Forest, by G.H. Evarts, Co., LLC

Purchase orders signed to reimburse Libbie Cass Library for expenses that were paid out of their checking account and should have been covered under town operating budget lines. \$1,900 from line 1-4550-105 out of computer software, and \$637.77 for several invoices out of 1-4550-109, non-recurring cataloging. Approved and signed.

Election day coverage, Tuesday, November 7, 2017 will be:

Dick: 8 am to noon; and 4 pm to 7 pm.

Leigh: Noon to 7

Tamara: 8 am to 4 pm.

Leigh reported the legal abatement cases filed by utilities Fairpoint and NH Electric Coop have been withdrawn. Eversource has withdrawn appeals prior to 2014. Eversource is still appealing 2014, 2015, and 2016.

The next Safety Committee Meeting will be held on Thursday, November 16 at 7:00 p.m., and will be at the Fire Station as the Planning Board meets in the Protectworth Room that evening.

The Hazard Mitigation Kick-Off meeting is tentatively scheduled for Wednesday, November 15th at 1 p.m.

The Board agreed to reschedule December meetings due to Christmas falling on the fourth Monday. In December the Selectboard will meet on Monday, December 4th and Monday, December 18th at 4:00 p.m.

The Selectboard would like to meet with Department Heads on Monday, November 27th for preliminary budget review.

Whit Smith requested approval to sign-off on the Martin after-the-fact zoning permit since the \$300.00 fee was received today.

Motion made by Leigh for the Police Department to hand deliver the tax deed notices that were returned to the Town. Motion seconded by Dick and unanimously approved.

At 5:30 p.m. Leigh opened the Public Hearing to review agreement with Mascoma Valley Snow Travelers (MVST) for use and maintenance of certain Class V and Class VI Roads. (A list of those in attendance is attached) Leigh reviewed the Snowmobile Ordinance adopted December 2015, as well as minutes from October 20, 2014.

Discussion was divided into two points.

Deer Hill Road: Leigh asked if the State of NH has changed any insurance benefits? Todd Fleury, President of MVST said it had not. Has there been any change in conditions in three years, or experience or incidents involving snowmobiles and road vehicles? Todd noted he posts signage and speed limits. He is a frequent user of the trail and has seen no incidents and knows of no incidents with snowmobile versus vehicle or pedestrian. Scott Seakamp, Deer Hill Road resident stated there was one time when he met a snowmobile and both drivers were surprised and had to move over quickly. The snowmobile was going faster than 10 MPH.

Todd reported the State has changed the speed limit to 20 MPH on approved roads open to snowmobile use. In this instance, the nature of how newer machines operate, this provides quieter operation and better cooling.

For the record, Leigh read correspondence received from residents Perry Hodges and Herb Marks, and Victor & Inessa Rifkin, who could not be in attendance.

Leigh asked for further comments:

Todd – There are many members of MVST that are year-round trail enthusiasts and use the trails for hiking, or cross country skiing etc. MVST maintains 75 miles of trails in town and they are open for year round use. The State Primary 349 does not go through Grantham.

Mike Chiarella asked how many year-round residents are on Deer Hill in winter? It was estimated 6 to 8 or 10.

John Trachy stated 4 or 5 years ago the Selectboard decided Deer Hill Road would be a temporary solution to give time to the club to come up with alternatives. He asked if the snowmobile club has attempted to make other options? Leigh reviewed the terms of the indefinite approval that was granted 3 years ago. Don Hill, former Selectman, stated temporary use had been part of the discussions, but it became apparent there was an immediate need and the Board did not want to have to go through this review process every 12 months, so a motion was made and approved to make the use indefinite with a review every three years. Temporary was “kicked around” but was not part of the motion and what stands.

Chris Atkins stated he would prefer to stay off the road, but a snowmobile is narrower and has the ability to maneuver and stop on ice and snow, and they all have running lights. He feels it would be safer than two cars meeting.

Leigh asked Tim Julian, Chief of Police for input. Tim stated the PD responds to complaints and has spent time monitoring and watching the road and has found no issues. When the Ordinance was first enacted, a lot of time was spent monitoring and there were no snowmobiles. During MVST organized events, SGT Beaulieu has been present and noted no problems.

Scott Seekamp noted his concern in the event a car and snowmobile meet and the car couldn't stop, a snowmobile rider is more at risk for injury.

Cynthia Hayes stated on her travels in and out she notices tracks of snowmobiles going from the left to the right sides of the road and is concerned someone may meet on the wrong side of the road and wants everyone to be safe.

Todd stated he doesn't discount the claim that rider's crisscross trying to get more snow, but riders typically wouldn't do that on blind corners but on a straight-away with better visibility. Leigh stated, in principal the snowmobiles must drive with traffic.

Leigh concluded discussion regarding Deer Hill Road and stated it seems there have been no incidents. Every user has behaved in a safe manner, which he feels speaks well for the Town.

Todd reported on the far end of School House Road, the club has a “billboard” notifying of the 1.2 miles of trail on the plowed road, speed limit and laws to obey.

Leigh began discussion of the “Grantham Connector”.

This is a route to go into Grantham which involves crossing Stocker Pond in Grantham. It is not a recognized “Route” but a connection that was re-established that goes out of Springfield, but is not available when the lake is not frozen. Todd stated to use the connector involves riding ¼ of a mile on asphalt, on some winding, narrow, hilly trails susceptible to weather conditions and is not an ideal trail. The connection was possible with cooperation from the land owner. Leigh noted the property is currently an estate in probate, and maybe uncertain as to the continued viability of that trail.

Phil Lebrecht, MVST Trail Master – stated this is not a Primary Trail as the State of NH does not allow an existing trail to cross a body of water. Groomers are not allowed to go across bodies of water.

Evie Farrell from the New Hampshire Snowmobile Association, confirmed bodies of water are not approved for trails.

Leigh questioned why the trail is shown on MVST website. Todd stated it is up to the individual rider as to which trail they wish to take.

Dick Hendl asked how ice safety is determined. Todd stated riders sometimes check ice thickness. Others chose not to ride on ice. He prefers not to travel on lakes with his family. Mike Chiarella noted Susan does not travel on lakes or ponds either. Tim Berns stated he has read the PSI of a snowmobile is actually safer than a person walking on ice. Phil noted MVST trail maintenance ends at Route 114 just beyond the Grantham Transfer Station. The Grantham club maintains from there back to the lake.

Todd noted that out of the past 3 years, there was no riding at all during year 2.

John Trachy asked what efforts have been made to find an alternate. Phil Lebrecht stated Springfield is land locked as far as getting to the other side of the Interstate. Landowners are a big part of that. The club has tried to work with the landowner to establish a trail from Schoolhouse Road by the cell tower but there was no interest. They almost had an arrangement with Sunapee Arts Camp but the owner backed out. The other option the State would allow is boring 2 tunnels under the Interstate which would cost \$1 million each. All snowmobile trails in the State not on State or Town lands are due to landowner's permission.

Leigh asked for comments from the Board and others. Tamara stated she doesn't see that there are any other options. There have been no changes, good or bad. She would like to renew for three more years without other options. Dick stated he sees no compelling reason to change. We cannot avoid all risks, and what he hears is everyone is acting in reasonable fashion.

Mike Lawlor stated he lives on Route 4A and the snowmobile trail goes right through his property. The club does a good job in marking and taking care of the trail. He has never had a problem in the 23 years that he has lived there.

Scott Seekamp stated his primary concern is safety and risk to a snowmobiler if a car and snowmobile were to collide.

Leigh stated he understands the impact and noise concerns of those who live on Deer Hill Road. With six year-round residents on Deer Hill Road he is not inclined to shut the trail down. The Snowmobile Ordinance prohibits noise and modifications. He agrees with the noise concern and that it can be invasive to peace and quiet. Todd stated Fish and Game is increasing compliance

with modifications. If someone sees or hears a “sled” that is noisier than should be, if a registration number is available Fish and Game will pay a visit.

Leigh stated snowmobiling is historically a very active sport in Town. Perhaps the Grantham Connector will help to lessen the impact on Deer Hill Road.

Tamara stated the club has trails on and across Webster Pass that travel close to her house. She hears the noise, but for the amount of time snowmobiles are in use, it is minor.

Leigh stated this hearing was not only regarding Deer Hill Road, but addresses other Class V and Class VI roads used for trails. He read from the list of roads maintained.

Ken Jacques noted Morgan Pond Road is not a town road, but a private road owned by the State of NH.

John Trachy stated that No. 3 School House Road does not exist any longer. Don Hill stated the No. 3 School House Road continues to be identified as such, and there is a ROW that allows use of that road.

There being no further discussion, Leigh closed the Public Hearing at 6:15 p.m.

Motion by Leigh to continue the use and maintenance of Deer Hill and other Class V and Class VI roads indefinitely and review again in 3 years. Motion seconded by Dick and unanimously approved. Contract signed.

At 6:17 p.m. the Board voted to continue the meeting to Thursday, October 26, at 4:00 p.m. for a work session to review procedures for compliance enforcement.

Janet Roberts

Oct 23, 2017 Public Hearing
MUST - Class V + VI Roads. Use + Maintenance

Bryan O'Quinn
Chris Atkins
John W. Sherry
Mickie Smith
P. L. Green
John Anderson
Scott Suckman
Cynthia Hayes
John Trachy
Mike Fowler
Paul Seyfried
Keith Gilbert
Michael Chiarella
Erik R. Rollins
Bobbie Swisher
Evelyn Gerrell
TIMOTHY BERNIS
Kenneth R. Jacques
Roger W. Smith
TIM JULIAN
DON HILL
TIM DAZET
Ron Butcher
Philip H. Lebowitz

Board of Selectmen Meeting – Continuation

October 26, 2017

Work Session RE: Zoning Enforcement

4:00 p.m.

Selectmen present: Leigh Callaway, Dick Hendl, and Tamara Butcher

Others present: Whit Smith.

Leigh opened the discussion asking what, if any enforcement “legacy” does the Selectboard wish to pursue regarding zoning compliance issues subsequent to 1987 and if so, what does the board wish to do about visible issues, i.e. storage containers, trailers without registrations, businesses requiring site plan, special exceptions and other items of non-compliance. Leigh stated the process has come a long way since Whit (Zoning Coordinator) has joined the effort, covering new structures and assisting applicants in the process. Whit noted, coverage is able to be facilitated when people bring their intention to his attention first. Further discussion, the Selectboard needs to decide how they are going to proceed. The zoning ordinance is the voice of the people, (voters) and enforcement stabilizes consistency in land use throughout the town, and may create an imposition on some property owners. Options reviewed: 1. Continue on as at present; 2. Identify known non-compliance issues; 3. Reach out via a public information campaign, and possibly granting a moratorium for those found not in compliance to do so. The Board discussed how compliance is reached in other towns, how to enforce compliance without “singling” anyone out. Compliance issues need to be addressed.

Whit recommends reaching out to residents to make them aware the Selectboard is pursuing compliance. By providing general awareness of the requirements of the zoning ordinance and then pursuing non-compliance, no one is singled out.

Leigh stated compliance needs to be addressed, but he “doesn’t want to tear apart the town” and is reluctant to push for something that the other two board members will be left dealing with after his term of office is up.

Tamara stated she agrees there is a need to do something as it is not fair to those who have followed the rules, but is unsure how to best proceed.

Dick agrees enforcement is needed, but is unsure how to go about doing it and doing it fairly. His concern is with assessing those that are visible and how best to proceed assessing those properties not visible.

The Board discussed options for public awareness notices, bulletin board, website, information sessions etc.

Whit will work with office staff to work on a proposal for public awareness that he will review with the Selectmen for the meeting December 4th. In the meantime, the Selectboard will be thinking about compliance measures and what happens following the awareness campaign.

The Board voted to adjourn at 5:05 p.m.

Submitted by,

Janet Roberts,
Administrative Assistant

DRAFT