

## **BOARD OF SELECTMEN**

**August 8, 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, Poul Heilmann and Amy Lewis

Others: Claudia Swenson, Mitchell Swenson, Whit Smith and Stephen Dzubak

### **Scheduled Appointments:**

Claudia and Mitchell received a letter from Tamara reporting that they might be operating a business on their property on Sanborn Hill Road. The Swenson's stated they are not operating a business and explained some of the history since the passing of Mitchell's uncle. In reading the minutes from the last meeting Claudia saw that Corey stated he had to remove all his equipment, which was not the case. According to the agreement of the trust the only equipment he couldn't have on the property was the skidder. The Swenson's are working on building a garage, which is why they have heavy equipment up there, which is owned by them. This equipment is not used in any commercial activity. Mitchell explained that he has a loader, small excavator and a little farm tractor; there is a big loader there that was just purchased but he is bringing that back to Florida in the next couple of weeks. He does also have a dump truck which is owned by him and used for personal use. Dick asked if any of the equipment was used for commercial purposes in the past. Mitchell stated this equipment is only used for personal use on his property. The Board thanked the Swenson's for coming giving them the opportunity to follow up on this.

### **Zoning Permits:**

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, August 8, 2022.

### **Application for Permit – APPROVED**

1. Mr. Cushing / Ms. Pullara (wife), Lot 1 Nichols Hill Road, for a 30' x 40' garage/storage building. Zoning Coordinator visited with Mr. Cushing (at his request) at the location on Nichols Hill Road. The area has been staked and is more than 35' from the road. Zoning Coordinator confirmed with the Road Agent the dimensions of the Nichols Hill Road right-of-way. Mr. Cushing also intends to improve the culvert by the road to allow better access to the lot. He says this has been cleared with the Road Agent. There are no wetlands issues or setback issues, and the structure will be less than 35' tall. Zoning Permit approved per delegation of authority.

2. American Tower Corporation, 180 Oak Hill Rd, would like to upgrade and place additional equipment on the existing 275' tall, guyed telecommunications tower. Height of the tower will not be increased. Fee has been paid. Plans, drawings, and description are sufficient. No wetlands or setback issues. Zoning Permit approved per delegation of authority.

3. Mr. Shane Wiltshire, 404 Sanborn Hill Road, would like to build a carport attached to the side of his garage. . Zoning Coordinator visited site and location for carport is clearly marked. There are no setback

or wetlands issues, and the height of the structure will be less than 35'. No observed commercial or business activity and applicant has represented the same on the application. Zoning Permit approved per delegation of authority.

4. Ms. Karen Cotter, 147 Meadow Brook Road, has changed her plan for the location of the house she would like to place/build on a concrete foundation. The proposed location no longer encroaches into the Shoreland Conservation Overlay District (100' from any water body). See Zoning Ordinance Section 4.21 at page 15. Accordingly, there are no setback issues, no wetlands issues and the height of the residential structure will be less than 35'. No observed commercial or business activity and applicant has represented the same on the application. Zoning Permit approved per delegation of authority.

Permit Applications in hand - Waiting further Information

6. Mr. Richard Ingham, 52 Shad Hill Road, would like to install solar panels on backside roof of his home. Zoning Permit application complete with exception that fee (\$25 for structure less than 500 sq.ft.) has not been paid. Waiting on that from the installer.

7. PREVIOUSLY REPORTED. Zaleskas/Kelly, 164 Four Corners Road, would like to erect/install a small - (8' x 15') shed behind their house on KOLELEMOOK Lake (lot is .34 acre). Nothing further to report.

Other Matters.

A. Inquiry regarding parking on residential parcel. Owner would like to allow neighbors to park vehicles on their lot. This was referred to Zoning Coordinator by the Administrator. Purportedly, the vehicles are of a commercial nature as they apparently have a business name on them. Property owner didn't say exactly what type of vehicles, i.e., whether they were pickup trucks or dump trucks. Owner is trying to find a way to stay in her home as she and her husband are both elderly and have difficulty getting around and keeping the property up. She sees this as a way to help a "friend" and get some help in return. Property owner represented that they would not be charging a fee for the vehicles to be parked/stored at the property. Zoning Coordinator has had no contact with the property owner. Review of the Zoning Ordinance provisions and comments from Chair of the Planning Board provided to the Administrator.

B. Attended Zoning Board meeting. Hearing on Special Exception Application to allow short-term rental of guest facilities business on Stoney Brook Road. Approved. (Harriett)

C. Inquiry from real estate broker as to whether the lot on the corner of Bowman Road and Main Street (currently listed For Sale) is "buildable." Real Estate broker referred to Ordinance sections regarding minimum lot size and setback requirements for Designated Wetlands buffer. (Spinney)

D. Inquiry regarding process/procedure for operating a short-term rental of guest facilities business on Sandy Beach Road. (Aucoin)

E. Inquiry regarding process/procedure for operating a short-term rental of guest facilities business on Stoney Brook Road. Scheduled meeting with property owner at the site. (Li)

F. Resolved confusion regarding change of equipment on cell tower located on Deer Hill Road. No additional equipment being installed and height of tower to remain the same. No permit required. Applicant advised accordingly. No fee was paid; no refund required.

G. Conversation with Chair of Planning Board regarding process and role of Planning Board in reviewing lot features when considering whether lot is “buildable” with or without the need for a Special Exception. See item C. above. Also, discussed current dialogue locally and state-wide regarding the regulation by municipalities of short-term rentals. Recent news articles and NHMA presentation.

H. Research and review procedures for appeal or request for reconsideration of Zoning Board and Select Board decisions. Discuss process with local property attorney. Standards for rehearing or reconsideration. Notice periods. What constitutes timely filing of appeal or request. Consideration of whether or when *res judicata* is applicable. (TAP Properties, Handley/McKelvy, Cotter)

<< August 7, 2022 >>

Whit brought the Board’s attention to item A under other matters. The town has a history of whether or not heavy vehicles are an indication of commercial activity and have never really decided how much heavy equipment you can store on your property whether for personal use or being lent out from time to time. Whit is just sharing this as a heads up to the Board. Whit informed Tim Bray on the situation so the Planning Board can consider it; this could extend to numerous properties around town.

Whit forwarded Dicks inquiry regarding the zoning board approval of a special exception for Harriet to Chairman Chiarella of the Zoning Board.

Whit will be meeting with two property owners this week who are both apparently operating short term rentals. He will steer them in the direction of a consultation with the Selectboard.

**Minutes of July 25, 2022:**

*Regarding short term rentals, Poul met with Tim Bray and updated the grading scale, simplified it a bit. Poul provided the information to Dick and Amy for their review.*

Poul made a motion to accept the minutes as amended. The motion was seconded by Amy. Poul, Amy and Dick voted in favor of the motion.

**Court Status:**

There is no new status to report on any court actions.

**Unfinished Business:**

Poul provided an update on the sand shed. There is a lot being done and they are moving rapidly. Poul spoke with Josh Stevens and he wanted to note that the \$10,000 credit that was potentially available had been used up because of the increase in fuel and added area behind the shed site. They are on track to get it done.

Poul shared with Pete Abair the schedule that Stevens provided so he is aware of what will happen and when.

Dick stated we have not heard from Mr. Corley or Mr. Lindquist about their plan or schedule. The Board will follow up with them.

The town has received the second tranche of the ADF money. There will be a webinar on Thursday, August 11<sup>th</sup> between 10 am and noon describing the updated rules on what the monies can be spent on and the reporting process. Dick and Whit will attend the webinar. The webinar will be available to watch on the website for those that can't attend.

Dick announced we now have a flag disposal box that was made and gifted to the town by an anonymous donor.

Tamara informed the Board that Consolidated was working across the street today; both phone lines for the alarms are now active. They will be coming Wednesday to do the town hall. The phone in the highway garage can now be called and have messages left. The cameras are back up and working properly now.

**New Business:**

There will be a briefing on Fisher Corner Road Wednesday, August 10<sup>th</sup> at 6pm.

The Gove Brook culvert has been fixed and we have received the final invoice.

Tamara contacted Mascoma Bank about the \$87,000 loan for the balance of the site prep work. Tamara has all of the documents. Steven is working on an opinion for the bank; he is in communication with Patty at Mascoma. The documents will be held until the opinion is issued.

There will be another meeting on August 22<sup>nd</sup> at the Newport Opera House between 9am and 11:30 to review the latest on conducting elections. Dick will be attending along with B. Manning and Pixie Hill.

**Board and Department Updates:**

The Conservation Commission will be hosting a nature native plant walk at Emily Cleveland's this Saturday.

The Fire Department has AED units received from the grant that was filed, they are waiting on two more units. Units have been placed in the town office, library, old town hall and historical society. There are two more units on order and locations being considered are the post office or the beach; they are also considering putting one in a personal vehicle belonging to a fire fighter. Amy would prefer to have that unit somewhere localized in town rather than in a personal vehicle. Amy feels having one at the beach is a good idea and possibly the post office or somewhere centralized in town. Concern was expressed on how one would be secured at the

beach. Poul suggested putting the question to the fire department about securing one at the beach.

Poul has started weekly meetings at 6am on Tuesday with the highway department to review what they are up to. A lot of work was done after the storms we had. They are keeping track of the work being done and Poul feels there is good communication happening. Pete made the comment that maybe it would make sense to work with the other towns around to put out bids and have paving jobs done at the same time; something to explore.

Poul stated the electric boxes on the recreation field need some attention. Poul will show them to Pete Abair to get his thoughts on repair.

The cemetery is debating and looks like they are going to require that burial plots be outlined with markers on the corners. They are thinking about requiring those to be put in and adding the cost of them to the cemetery plot so that they are well marked. There will be more details at the next meeting.

Dick provided copies of the letter to Whit and the Board that he sent to Susan Chiarella regarding the Harriet property. Harriet was granted a special exception and now must appear before the planning Board for a site plan review.

**Miscellaneous:**

At 5:35p.m. Dick made a motion to enter into non-public session to discuss personnel per RSA 91-A:3, II(b). The motion was seconded by Amy. By roll call vote Dick voted aye, Amy voted aye and Poul voted aye.

Amy made a motion to exit the non-public session and re-enter the public session at 6:00 p.m. The motion was seconded by Poul. By roll call vote Amy voted aye, Poul voted aye and Dick voted aye. Amy made a motion to seal the minutes discussing personnel. The motion was seconded by Dick. By roll call vote Amy voted aye, Dick voted aye and Poul voted aye.

Dick read the following statement into the minutes:

The Select Board is currently working with Chief Beaulieu on a transition plan outlining the light duty activities as recommended by his Doctor in his return to work plan. The tasks consist solely of administrative type duties at this time.

The meeting was adjourned at 6:02 p.m.  
Jill Hastings and Tamara Butcher

Deputy Administrative Assistant and Administrative Assistant