

BOARD OF SELECTMEN

September 12, 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.

Selectmen present: Dick Hendl, Chairman; Amy Lewis and Poul Heilmann

Others: Whit Smith, Jen Roberts, Corey Swenson, Ron Butcher and Ryan Peterson

Schedules Appointments:

Corey Swenson informed the Board that he received a visit from Art Conkey recently and was told that Art was asked by the town to finish cleaning up the site on Sanborn Hill Rd. Corey would like that road closed. Mr. Lindquist and his attorney were asked to provide a detailed plan as to how they were going to approach finishing up the hauling of that material. A letter was received by the Board, but it did not answer the questions. A list of questions was given to the attorney, and the Board has received no response to date. Dick assured Corey that no such agreement has been made. Corey has seen no activity on the site since they were told to stop hauling. The Board will invite all interested parties to a selectboard meeting for a discussion, that way everyone will receive the same information. The access to the property in question is on Corey's property. Corey provided the history he is aware of involving the right of way; he is unsure if it is written in the deed. Tamara will research the deed to determine if an easement was obtained from the property owner.

Corey mentioned the matter of his brother being able to operate a business and keep heavy equipment on his property when Corey unable to do the same. Dick informed Corey the Board met with Claudia and Mitchell Swenson and they stated they are not operating a commercial business; they are just making some improvements to their property. Dick suggested at the next meeting Corey, Claudia and Mitchell attend to discuss the concerns.

Ron Butcher informed the Board that his new neighbors appear to be building a garage to close to the property line. Ron was not informed, as an abutter, of the project and wanted to know why. Whit pulled up the zoning permit application for the property in question and it was written the edge of the building was 100 feet from the property line. Ron informed Whit the stone wall marks his property line, and they are too close. Whit stated he will go visit with the property owners and take some measurements; it is possible they are unaware of their boundary lines. Tamara will set up a visit between Ron Butcher and Whit Smit so Ron can show Whit where the pins are.

This matter brought up the desire to have a more accurate plan view of the property lines in Springfield. The expense for this is significant. Whit has begun doing research on getting this done.

Ryan Peterson – policy request for approved septic designs prior to approval of Zoning Applications:

Ryan appeared before the board as the health officer to express his concerns with homes being built without having an approved septic. Ryan explained that this is an advisement given to him by someone at the state level. Whit is unaware of a town policy on this subject. After much discussion the Board agreed there doesn't seem to be a problem to solve. Approved septic designs are a state requirement, not a town requirement, and it appears on the zoning permit application; there is a place to write in the state approval number. Amy stated the statement provided on the agenda is answered by the questions on the zoning permit application that Whit uses.

Zoning Permits:

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, September 12, 2022.

Application for Permit – APPROVED

1. James Clancy, 12 Lamson Lane, would like to build a patio next to his house on Kolelemook Lake. He is also replacing walkway/steps down to the water (no permit required for a replacement same size and distance). The patio is a new structure. NH DES shoreland permit included with the application. Zoning Coordinator has visited the property. Area for patio clearly marked. No set back or wetlands issues and structure will be less than 35' tall. 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 for review by Select Board Members

2. Mike Howard, 259 Shad Hill Road, would like to add a deck w/ screen porch to his newly built home. The house was built in 2020 and is not shown on the Springfield Wetlands mapping tool. There are no setback or wetlands issues, and the structure will be less than 35' tall. No commercial or business activity observed, and Mr. Howard has represented the same on his application.

3. Mike Howard, 259 Shad Hill Road, would like to build a barn for his wife's horses. Construction on the barn has already begun. Mr. Howard has paid the "after-the-fact" permit fee of \$100 (2x the fee of \$50).

There are no setback or wetlands issues, and the structure will be less than 35' tall. No commercial or business activity observed, and Mr. Howard has represented the same on his application.

Renewal of Permit Application that has Expired

4. Requesting Review/Direction from Select Board. Cheryl Wood has submitted a Renewal for a Zoning Permit with respect to 811 Main Street. The construction of a residential structure was started in 2016. Zoning Permit was "renewed" in 2016 and 2017. It looks as though the land was excavated and a foundation was poured. Apparently, there has been no further work at the site in the past 4-5 years. There is electric service to the location (meter on post and security light). Technically the permit would be treated as "expired" (permits are valid for one (1) year) because substantial progress on the build has not been completed.

Permit Applications in hand – Waiting for Additional Information

5. Mike Howard, 259 Shad Hill Road, would like to erect/install ground-mounted PV solar panels array on his property. Application did not include dimensional information and is being held pending receipt of the measurements. There are no setback or wetlands issues, and presumably the structure will be less than 35' tall. No commercial or business activity observed, and Mr. Howard has represented the same on his application.

UPDATE – PREVIOUSLY REPORTED

6.. Zaleskas/Kelly, 164 Four Corners Rd, would like to erect small - (8' x 15') shed behind their house on Kolelemook Lake (lot is .34 acre). The applicant(s) were granted a Special Exception by the Zoning Board of Adjustment to place the shed in the identified location. They will now apply for a Conditional Use permit (from Planning Board) due to the proximity of this new construction to Kolelemook Lake.

Other Matters.

A. Emails & phone conversations with property owner regarding application for Special Exception for operation of short-term rentals of guest facilities business (Rowley)

B. Inquiry from town Health Officer regarding process for reviewing Zoning Permit Applications pending issuance of Septic Design Approval.

C. Attend Zoning Board meeting (Re-hearing TAP Properties S-T-R – Woodcrest Road; Hearings on the following: Handley S-T-R – Twin Lake Villa Road; Zaleskas shed location – Four Corners Road; Aucoin and Ruppel S-T-R – Sandy Beach Road; Li S-T-R – Stoney Brook Road).

D. Respond to inquiry from property owner regarding duration of Zoning Permit and requirement for renewal (MacCreighton).

E. Inquiry from Chair of Zoning Board regarding process and procedure for S-T-R hearings. Provide information as requested.

F. Research NH case law regarding whether short-term rental is the same “use” as residential property “use.” NH Supreme Court has ruled that short-term rentals constitute “transient use” and are not a “residential use.” See Working Stiff Partners v. City of Portland (2019)

After reviewing the relevant definitions in the zoning ordinance, the Court concluded that plaintiff’s use of the property for daily rentals to paying guests constitutes a transient occupancy like a hotel, motel, rooming house, or boarding house. NHMA Report on the Case (September 27, 2019)

Confirm with counsel for the town of Springfield: “Rental of residential property to a person who lives there is “residential”; however, renting residential property to someone using it as temporary, transitory, vacation or short-term lodging is absolutely no different from running a very small hotel. Can the people who rent the property register to vote? Can their children attend school in town? Do they have their mail delivered there? Fillmore, Christine.

<< September 11, 2022 >>

Whit brought the Boards attention to number four on his report. He has received a permit renewal request. The approved permit application was renewed in 2017, and due unfortunate circumstances work stopped. Whit would like the Boards guidance as to whether a new application should be required at this point. The Board agrees that a new application should be completed for the Wood property.

Minutes of August 22, 2022:

Page 1:

Amy spoke on behalf of the fire department as there was ~~on~~ no one available to attend tonight's meeting.

Page 3:

She was informed that it has not, but there has been a request for reconsideration. ~~In the case of Wooderest, where it has been denied, they have been told they can't operate the business.~~

Page 5:

If the Board finds they have questions or can't pursue it because if they don't know whom to ask any follow up questions ~~it~~ then it gets dropped.

Dick made a motion to approve the minutes of August 22, 2022 as amended. The motion was seconded by Amy. Dick, Amy and Poul voted in favor of the motion.

Court Status:

Statement #1:

"On August 31, 2022, the superior court issued an order dismissing the lawsuit filed against the Town by the owners of Select Shepherds. They have the option to ask the court to reconsider that order, and to appeal to the NH Supreme Court, although it is unknown at this time whether either of those things will occur."

Statement #2:

"On September 12, the owners of Select Shepherds filed a Motion to Reconsider with the court, asking it to reconsider its August 31 order dismissing all claims of the lawsuit, and seeking permission to amend part of its complaint. The Town has 10 days to file a response. It will then be up to the court to rule on the motion to reconsider, which may take several weeks. If any part of the motion is granted, there may be further proceedings at the superior court level in this case (although we won't know more about that unless or until it happens). If the motion is denied, the property owners will have 30 days to file an appeal with the NH Supreme Court."

Unfinished Business:

Amy asked about the rafts still being in the water. Tamara stated it was time for them to come out and that could happen any time now.

A second email was sent to Ramsey. He has since been in touch with Whit preparing to file a special exception application.

Amy emailed both Chief Lacallaide and Lydia Sarnevitz about the AED discussion. She has received no response from either party. Amy stands by her request that the extra AED that was set aside to go in a personal vehicle be instead relocated to the rescue truck and the second at a public place in Town.

Dick has received no response to his reply to the resident who had asked about how anonymous complaints are handled. Poul would like to have the unofficial policy regarding anonymous complaints reviewed and ready to be voted on at the next meeting.

Tamara informed the Board that the phones and alarms at the Highway Garage are now fixed.

There was a meeting on September 1st at the sand shed site which included Josh Stevens, Pete Abair, Poul Heilmann, Dick Hendl, Amy Lewis, Ken Jacques and Darrin Patten and Dan Saulnier. They reviewed the progress that has been made. Jill informed the Board that the checks have been sent to K.A. Stevens and there has been communication with Alyssa at K.A. Stevens to let her know payment is on the way.

Poul would like to create a master list that includes all the critical information of our STR's. This will provide background in future cases for property owners trying to apply to be a short-term rental. The Board agrees that is a good idea. George Hildum will start adding information about special exceptions to the property card; this is because a special exception runs with the property not the property owner.

Dick reminded the Board that the tax-deeding meetings are scheduled to take place Wednesday, September 14th at 5 p.m. Tamara has received zero response to any of the notices that were sent to the property owners in jeopardy of tax deeding.

New Business:

Coverage for Tuesday Sept. 13th voting: Dick and Poul will be at the election all day. Jill has been asked by Amy to stand in for her at the election as she has a conflict. Jill will sign an oath of office upon arrival at the election.

Board and Department Updates:

Amy announced that Dan Saulnier has delivered his resignation for the Conservation Commission. He is not able to sit on the Conservation Commission as well as the Planning Board. He is leaving himself open for advice, but he can not be a formal member.

Poul provided an update on the Highway Garage. Hogg Hill is due to be paved in early October. The work on the Handicap signs is complete as well as the waterproofing of the handicap ramps.

Poul requested that Tim move the equipment away from where they need to do the work by the sand shed. It was also suggested that we place a chain with a lock to prevent people from going up into that area once the work is complete.

The ZBA meeting involved five hearings and went until 11pm; four for STR and one for a setback issue. Two of the STR's were approved with conditions and two were continued. There is a request from the ZBA that the Selectboard be more solid in their language when things are moved to the ZBA. Specifically, when someone is presented to the ZBA that the Board believes is a business.

The library has adopted a policy that if a patron has more than \$50 worth of overdue books there will be a certified letter sent requesting the return. There will of course be steps take before the certified letter is sent.

According to Tamara and Jill the library credit card statement should get mailed directly to them, that is how it was set up. We will wait for the first statement to see if that is the case.

The Cemetery Commission decided to increase the plot prices to cover the expense of the corner markers.

Signatures:

1 Timber Tax

Miscellaneous:

Tamara shared with the board that we have not gotten the new stickers yet but showed the Board what they will look like. These are passes for property owners that have renters; they will get one sticker for the transfer station and one for the beach; they get one a year. If it is lost there will be a \$25 charge to replace it.

At 6:37 p.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.

Dick made a motion to exit non-public session at 7:00 p.m. The motion was seconded by Amy. By roll call vote Dick voted aye, Amy voted aye and Poul voted aye. Dick made a motion to seal the minutes discussing personnel. The motion was seconded by Amy. By roll call vote Dick voted aye, Amy voted aye and Poul voted aye.

The meeting was adjourned at 7:01 p.m

Jill Hastings

Deputy Administrative Assistant