

**BOARD OF SELECTMEN**

**October 24, 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; Poul Heilmann; Amy Lewis, Vice Chairman, absent

Others: Leigh Callaway, Don Bettencourt State Representative candidate, Jan Bettencourt, George Grant, State Representative candidate, Sarah Anderson and Whit Smith

**Scheduled Appointments:**

Don Bettencourt – NH State Rep candidate: Mr. Bettencourt is a republican candidate for state representative in District 8. Mr. Bettencourt provided a brief background on himself, which included a corporate background as well as his transition into small business/private sector. Education is an important issue for him. You can read more information on Don Bettencourt at [solutionsfornh.com](http://solutionsfornh.com).

Leigh Callaway looked up Don Bettencourt's website after Don visited him in his home. Leigh encourages everyone to look up his website and read about his range of experience and interests.

George Grant – NH State Rep candidate: Mr. Grant is a republican candidate for state representative in District 5. Mr. Grant provided a background on himself. His mailings will be coming out soon, and a statement on there is Live Free or Die is not just a motto, it's a way of life in NH. He is a proponent of limited government, pro-family, pro-life and supports the second amendment. Mr. Grant believes public schools need to get back to basics and learn and understand the history of the United States and let them decide for themselves instead of being indoctrinated with other ideas. School budgets need to be addressed by the state and made equal throughout; provide the funding so that our children do get a good education. Mr. Grant wants to represent Springfield, be a voice us as well as Sunapee and keep NH NH; that is his goal.

**Zoning Permits:**

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Tuesday, October 24, 2022.

**Application for Permit – APPROVED**

1. Mr. Ayaz Asif, 217 Bowman Road, was previously approved to install 27 roof mounted solar panels with 2 Tesla battery systems. Now he would like to increase the number of solar panels to a total of 45 flush mounted panels. Fee has been paid (\$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. Asif has represented the same on his application. Zoning Permit approved per delegation of authority.

2. Bryon O'Day, 15 Stryker Road, would like to build a 20' x 11' storage shed behind the house.

The situation: Mr. O'Day has been using the lot to operate a Commercial business activity since before the Zoning Ordinance was enacted. His use of the property has been continuous, but he does not have a site plan for the parcel, which is a separate parcel from the one where he operates the garage. Mr. O'Day inherited the property from his mother and was using the property for storage of materials and parking of commercial vehicles even when his mother was still alive. Mr. O'Day does not need a Special Exception from the Zoning Board since commercial use pre-dates the ordinance and the use has continued without interruption. Nevertheless, Mr. O'Day is required to have an approved site plan. He has acknowledged this and has agreed to proceed with an application for site plan review. Accordingly, the application for Zoning Permit (to build shed) can be considered and approved. There are precedents for this approach (Brookside Storage, Lacaillade, Protectworth Brewery). There are no wetlands issues, no set back issues, and the structure will be less than 35' tall. Commercial/business activity addressed with agreement to proceed with site plan. Zoning Permit approved per delegation of authority.

3. Mr. Jeremiah Crosby (and his children), keeper of fowl and purveyors of some fine eggs, 1923 Main Street, would like to build a small (6' x 8') addition to their chicken coop, which will be used to store chicken feed. Zoning Coordinator has been to the site and discussed the plan with Mr. Crosby. There are no wetlands issues, no setback issues, and the addition to the coop will be less than 35' tall. A copy of the Zoning Permit Application is attached. Note: Based on a long-standing tradition in the town of Springfield, the keeping of chickens and other fowl and itinerantly offering for sale some part of the egg production is NOT considered a home business. No other commercial or business activity observed; and the applicant has represented the same on the application. There are no setback or wetlands issues, and the structure will be less than 35' tall. Zoning Permit approved per delegation of authority.

#### Permit Applications Received – Returned to Administrator

4. Hanson Bridge LLC, to build two (2) cold storage structures on two (2) different lots on Hanson Road. 161 Hansen Road – Five (5) bay cold storage for wood. Refers to Site Plan dated May 16, 2022. 163 Hansen Road – Cold storage unit for wood to be treated. Refers to Site Plan dated May 16, 2022. Map drawn and dated May 16, 2022. Could not find depiction for proposed structures. Reviewed all PB minutes since May 2022 and could not find reference to site plan (amended) for the additional structures.

#### UPDATE – Previously Reported

5.. 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). Conditional Use permit (Planning Board) required. Zoning Coordinator has followed up with town office and was advised this matter has not progressed. Nothing more to report.

#### Other Matters.

A. Report from neighbor regarding well drilling. Responded with information regarding NH DES records for well-drilling. Referred neighbor to Health Officer if there might be water quality concerns.

B. Prepared DRAFT summary of process for reviewing Short-Term rental businesses (request of Chair, Planning Board). Attended “workshops” for Planning Board. Met with Chair of Zoning

Board of Adjustment to advise regarding PB effort. Forwarded DRAFT summary to Chairs – BOS, ZBA and PB.

C. Attend Planning Board meeting. Consultation with resident regarding operation of Food Truck in town. This was referred to Select Board.

D. Inquiry regarding lot on Eastman Access Road (Cote)

E. Second follow up call from attorney regarding schedule for site plan review – short-term rental. He is looking for procedures and schedule (Tilsley)

F. Inquiry regarding placement of third dwelling unit on property. (Swenson)

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Whit prepared a draft of the summary of process for reviewing short term rental business. He feels it was well received by the chair of the planning board. They are trying to get the package finalized, then the planning board intends to run it by the Selectboard as they want to set some fees for the inspections that will be done. There will be a fire and health safety inspection as well as an inspection by the health officer. When those forms are complete and everything is organized, the planning board will have a package of materials that can be sent out to people that will provide them with a basic road map of the procedure they will follow. This does include an optional conference with the Selectboard if they aren't sure they are operating a business.

There was some discussion on what constitutes short-term; Thirteen months ago it was determined to be 185 days. Whit shared the emerging thoughts are that short-term is probably less than three months. There is some discussion happening on the state level, as well as NHMA, regarding this issue. Whit is hoping the package would be available to the Board of Selectmen by their last meeting in November.

Dick asked about Amy's comment on Bryan O'day's situation. O'day still owns the garage and is there on a daily basis. He now has family members who are engaged in the auto repair. The commercial activity that is occurring at the garage is a separate lot from where the shed is going. However, Brian has been storing trucks and material on that lot for thirty years and is willing to do a site plan. This lot has been engaged in commercial activity since 1980, continuously. The continuous commercial activity eliminates the need for a special exception. The garage already has a site plan.

**Minutes of October 11, 2022:**

Poul made a motion to accept the minutes of October 11<sup>th</sup> as written. The motion was seconded by Dick. Poul and Dick voted in favor of the motion.

**Court Status:**

There is no change in the status of any court proceedings.

**Unfinished Business:**

Dick and Poul reviewed and discussed Poul's short term rental checklist. Dick proposed a change in the scoring under Advertising. Dick also suggested a change under Ownership and the scoring there. Dick feels that vetting needs to be part of either the special exception approval or the site plan approval; that these people that are renting must be vetted either by the owner or their designated agent. Whit said this has come up at all the zoning board hearings. Whit asked if failure to vet would be a disqualifying factor. Dick believes it should disqualify them. Whit is unsure what the implications of that would be and would defer to Christine Filmore on that. Whit feels vetting as a requirement is probably not constitutional. But, requiring that there be a person locally to handle complaints and issues within a short and reasonable time is a requirement that can be enforced, which is included in the proposed process.

There was some discussion on commercial insurance with short-term rentals. Dick mentioned the thought to Tim Bray and he didn't think commercial insurance has a place as a policy can be cancelled at any time. The idea behind having it is that a periodic inspection is required. The planning board has struggled with how much periodic inspection they could require or enforce. They have decided on the health and life safety checklist and having the owner go through it every year in June and sign off on it. This would represent to the town that the owner has been through the checklist.

There was some discussion on town liability in regard to the required inspections, as well as gross negligence. You have to go a long way before you hit gross negligence. Leigh pointed there is a difference between due diligence and gross negligence. Unless the town is legally liable the closest they can come is due diligence. Whit agreed and said that is where the planning board has ended up without using due diligence as a specific term. Leigh feels trying to put Ryan or the Fire Department on the front line of these inspections is unfair because they are volunteers with limited time. He asked the Board to consider finding a contractor and making the owner of the property pay for that; and until the inspection is done by the contractor, they don't get their business. Dick has discussed this with Pete Lacaillade, and he said as soon as it gets to the point where it is considered a burden they will come and talk about a contractor.

At the last meeting Dick asked Amy to draft a response to Mr. Lindquist's attorney regarding the Sanborn Hill situation. In her absence Dick asked if a draft has been received. Tamara has not received the draft.

Dick is working on an appropriate response for a complaint raised by a town resident. This is being discussed with the town attorney. When this gets settled that individual will have a response for his concern.

Elections are coming up. Jill is available to sit in for Amy if she is unable to attend the election. Poul and Dick will be at the election for the full day.

**New Business:**

Budget review season is coming up. Dick has the cemetery, police and library working on their budgets. The Fire and Highway departments are working on theirs. Dick would like to start reviewing individual line items at the next Selectboard meeting. It will be premature to have all department heads come in, but it would be good to have at least one attend and make their presentation.

At the CIP meeting the discussion was the painting of the meetinghouse or if it could be pushed out a year. Dick did an inspection of the building, as did Jeff Milne. Both agreed that there are a few areas that could be touched up, but other than that the building looks good.

Dick was approached by a resident of Eastman who is interested in one of the lots owned by the town. Shawn Tanguay recommends putting all the lots owned by the town up for bid. Dick will work on an advertisement in the next week or two.

At the planning board on Thursday a resident came in for a consultation on operating a food truck in town. Whit provided a summary of the discussion from the meeting. The discussion revolved around state licensing and contacting the DOT regarding parking on state highways to operate the truck. Parking seemed to be the biggest concern. Without the resident being present, questions the Board had were not able to be answered. Whit informed the Board he got the impression the resident left the planning board meeting with the intent to do more research before pursuing further.

There has been no further inquiry from the resident who had asked about hold dance classes.

Sarah Anderson brought parking concerns to the attention of the Board. She wanted to know if there was anything the town could do to enforce parking along the road. The Anderson's don't want to be the squeaky wheel, but they do have loads of logs delivered to their house. The last two weekends the parking from Hoptimystic on Saturday has been both sides of the road, really obstructing the safety and the view to turn on and off of Greely Road. The Andersons are putting in a new driveway to help avoid that altogether. She is not against the brewery but is wondering what has been done with the parking concerns that were brought up in 2020. The Board will invite the owners of Hoptimystic in to review the site plan and discuss the parking issue.

Sarah Anderson said the Fall Festival was a success. They had a very good turnout. The chili cookoff brought in \$150, which she then turned over to the town.

**Board and Department Updates:**

Poul has asked the highway department to come up with a list of items they are wanting to unload that could possibly be put up for auction. Poul and Tamara will meet this week to contact the auction company and figure out the process of the auction.

The sand shed site prep work is complete. The second bill has been received and will be paid next Tuesday.

The cemetery commission had their final meeting and have decided on the grave markers to use and will be ordering those along with the machine to stamp in the numbers.

The library trustees will meet on Thursday and will be discussing the hours they will be open around Veteran's Day.

Correspondence/Signatures:

Yankee Generator annual contract signed

Tamara has heard from Angela MacCreighton, and her suggestion is to raise the town's fee for bounced checks from \$25 to \$35. Dick made a motion to raise the bounced check fee to \$35.

The motion was seconded by Poul. Dick and Poul voted in favor of the motion.

Dick made a motion to adjourn the meeting at 5:48 p.m. The motion was seconded by Poul. Dick and Poul voted in favor of the motion.

The meeting was adjourned at 5:48 p.m

Jill Hastings

Deputy Administrative Assistant