

## **BOARD OF SELECTMEN**

**November 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.*

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

Others: Mike Lawlor, Whit Smith, Pete Abair, Jen Roberts and Steve Barker

### **Zoning Permits:**

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

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

1. Mr. Kevin Roberts, 306 Town Farm Road, would like to build a 16' x 30' shed on his lot. Mr. & Mrs. Roberts are engaged in several business/commercial activities at this location. The town has on file a site plan approved by the planning board (May 19, 2016) and the location for the shed is depicted on the site plan map. The plan simply states: "approved relocation of barn to be used as sand shed," with no dimensions shown. Chair of the Planning Board said he would like dimensions added to the map and review at the next Planning Board meeting. Mr. Roberts said he will amend the map if the Planning Board requires that be done.

Zoning Coordinator has been to the site and discussed the project with Mr./Mrs. Roberts. Location is clearly marked. There are no setback or wetlands issues; the structure will be less than 35' tall. Commercial/business activity mentioned above, and applicant(s) have represented the same on the application. Zoning Permit approved per delegation of authority.

2. Mr./Mrs. Cusano from Hopkinton, New Hampshire, would like to build an 1170 sq.ft. house on Town Farm Road. House number not yet assigned, but application for house number has been filed. Zoning Coordinator has been out to the site. Location is clearly marked. This will be new construction and Septic plan/design has been reviewed by the Health Officer. There are no setback or wetlands issues, and the structure will be less than 35' tall. No observed commercial or business activity and applicant(s) have represented the same on the application. Zoning Permit approved per delegation of authority.

3. Daniel and Patricia Avery, 261 Nichols Hills Road, would like to put a 12' x 12' deck off the side of their house. Zoning Coordinator has been out to the site and has discussed the plan with Mr. Avery. There are no wetlands or setback issues, and the deck will be less than 35' high. No observed commercial or business activity and the applicants have represented the same on the application. Zoning Permit approved per delegation of authority.

4. Brian Patten would like to build a house on parcel (114 acres) with access from Cross Place (application for house number has been filed). Zoning Coordinator has been out to the location and has discussed the plan with Tim Patten (son) who is responsible for the construction and will be living there. The location has been excavated and so is clearly marked. No other construction work has occurred

(excavation allowed prior to Zoning Permit being issued). Septic Plan was reviewed by the Health Officer; Zoning Coordinator confirmed by viewing stamp on the Septic Approval file. There are no wetland issues, no setback issues and the structure will be less than 35' tall. No observed business or commercial activity at the site and applicant has represented the same on the application. Zoning Permit approved per delegation of authority.

Permit Applications Received – Returned to Administrator

5. 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. Upon further review and following discussion with Mr. Hansen this matter has not been taken before the Planning Board. Application for Amended Site Plan and review/approval by the Planning Board is necessary.

UPDATE – Previously Reported

6.. Zaleskas/Kelly, 164 Four Corners Road. Nothing more to report.

Other Matters.

A. Attended Zoning Board of Adjustment meeting. Hearing on Murphy (Colby Hill Road) Special Exception application for Short-Term Rental business. Matter dismissed by the ZBA (unanimous).

B. Inquiry from property owner regarding wetlands on large parcel (Sanborn Hill Road - Binzel)

C. Regarding inquiry from family member who would like to build residence on 75-acre parcel (Sanborn Hill Road), which has two existing residences (previously reviewed/approved by the Planning Board). Referred matter to the Chair of the Planning Board.

D. Inquiry regarding renewal of Zoning Permit for Barn/addition to garage (MacCreighton).  
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Whit brought attention to three items on his report. Bryan O'Day has to bring a site plan to the Zoning Board. Kevin Roberts has to modify his approved site plan to show the dimensions of the shed he is building. Mike Hanson must go to the Planning Board with a site plan for his two new buildings.

Cote Swenson has been referred to the Planning Board for a consultation. Cote is looking to build a residence on the 75-acre lot. This would make three residents on the lot; Whit said the simplest solution would be to sub-divide five acres out. There would be no transfer of ownership, it would all remain in the name of the Robert Lane Trust. Cote has a surveyor and lawyer and is happy to do what it takes. Amy asked if there is anything in the Trust that prohibits a subdivision. Whit is unaware of anything as he hasn't reviewed the trust; presumably the lawyer would figure that out.

Dick asked about the Colby Hill Road decision, wondering if the matter was dismissed because the ZBA felt they didn't need a special exception, or they just did not grant a special exception. Whit said the ZBA felt it was not a short term rental; this is a four month rental to one family while they are away, subject to a written lease. This is not the kind of itinerant lodging that short term rentals are intended to be addressing. It was a unanimous decision to dismiss the matter because a short-term rental business was not being conducted and therefore a special exception isn't needed. Poul said there was discussion on whether 90 days is an appropriate number versus the 185 days, this is something Poul feels the Board needs to reassess. Whit also pointed out that on Colby Hill, they are collecting Rooms and Meals tax, so they are in compliance with the state revenue statute.

Steve Barker, president of the Colby Hill Association, asked the Board to think about this issue and perhaps clarify the time frame. The Association was fine with the decision that was made by the ZBA, however they have a three month requirement for rentals within the association; at the same time they don't want to be put in conflict with town regulations. Whit explained that the Town is not in the position to prohibit short-term rentals; a private association is in a position where you are free to prohibit short term rentals if there is an agreement between the members. That is a private contract that would result in civil matters if someone were to breach the contract made with the association, which would not be a town issue. The enforcement would lie with the association.

Dick feels there is a divergence in what the definition of a short term rental is. The ZBA has decided, for their own reasons, that four months is not a short term rental; Whit clarified this is four months to one party with a written lease. Dick asked if the ZBA is establishing a priority that they will disregard the Selectboards definition of what a short term rental is. Whit thinks their precedent suggests that. Poul stated again that the Board needs to revisit that letter from September 2021 and determine whether the 185 days is the amount of time we should use to define short term rentals. Poul feels there are more exceptions during the 90 days to 185 days that don't fit in to what we are trying to accomplish with the short-term rental.

#### **Minutes of October 24, 2021:**

Poul made a motion to accept the minutes of October 24<sup>th</sup> as written. The motion was seconded by Dick. Poul and Dick voted in favor of the motion. Amy abstained.

Amy asked if the parking issue contributed to Hoptimystic deciding to close. Dick stated he spoke with Bill at the election and the business just grew too fast for them to keep up with, along with the cost of materials increasing so fast they don't feel they can keep raising their prices to stay in the game. Poul's understanding is that the decision was independent from the discussion on traffic.

#### **Court Status:**

Dick shared that the State of NH took a resident on Main Street to court for violations of the wetlands act. On October 30<sup>th</sup> the resident appeared in the Superior Court. Dick read the results into the minutes:

“The property owner on or before January 1, 2023 is required to remove the wooden pallets from the area along the shoreland of Kolelemook Lake across Route 114 from his home, and either dispose of such pallets or place them elsewhere on the Property where they will not disturb or impact existing vegetation within the shoreland buffer.”

“Also by January 1, 2023 remove the tarps and associated sand, gravel and rocks placed on the tarp from the area along the shoreland of Kolelemook Lake across Route 114 from his home, and either dispose of such fill or place such fill on the Property where it will not disturb or impact existing vegetation within the shoreland buffer.”

“On or before May 15, 2023 finish grading, loaming and seeding the southern driveway across the property.”

Jen Roberts stated she went by when the resident was down with his backhoe tearing up the ground, pushing sand in the lake. Jen asked if the state will come out and check on activity; what would be the proper channel to address that. It was decided it would be best for Tamara to contact the attorney who reached out to her and advise that individual that a resident brought up this activity at the Selectboard meeting.

**Budget:**

Highway: Pete provided a copy of his proposed budget to the Board. The proposed budget was reviewed by the Board followed by some discussion of some invoices that still need to be paid, mainly the paving of Hogg Hill. There was discussion on vehicle fuel; after some discussion an increase of \$6,000 was suggested. Poul stated there is discussion to add a third full-time employee as Pete is anticipating retiring in June of 2023. Having three full-time employees would also help ensure coverage for vacation, sick and personal days. Safety is also a concern. If two employees are working on the road they don't currently have that third person to direct traffic. The other item for discussion is to replace the 2008 Sterling with another good used truck in 2023; this would be done as a non-lapsing warrant article.

There was a brief review of the full budget, with a discussion on what the annual cost of living increase will be that the Board recommends to the budget committee. The federal cost of living increase for 2023 is 8.7%. Historically, the Board has taken the federal level and rounded it up to the nearest percentage. The Board members would like to give this some consideration and revisit at the next meeting. Tamara informed the Board that the health insurance has increased by 11.7%. The Board will review the budget as it stands and be prepared to review it at the next meeting.

A preliminary tax rate was set at \$20.54. The Board discussed where the rate has been the past couple of years along with where the unreserved fund balance sits. Dick made a motion to leave the tax rate as it stands at \$20.54. The motion was seconded by Amy. Dick, Amy and Poul voted in favor of the motion.

**Unfinished Business:**

Amy will get the draft response prepared this week for Mr. Lindquist's attorney.

Amy will not be able to attend the budget meeting on December 7<sup>th</sup> as that is the same night as Eastman's budget hearing.

Poul adapted the short term rental administrative process to have a score of six for any advertising, which was discussed at the last meeting. Poul will also add a section for length of stay.

Fees were discussed for the inspections for short term rentals. Dick feels the Board should set the fees now to cover contractual inspections. There was discussion on fee recommendations made by the Fire Department along with what the inspections would consist of. Poul made a motion that the fees for the short-term rental inspections for fire be \$150 and health \$150. The motion was seconded by Amy. Poul, Amy and Dick voted in favor of the motion.

Poul reached out to Auctions International and will have more information to come.

Poul asked about the short-term rental property's inventory. Tamara has put that together and everyone that has been approved for a special exception is listed and the two that are pending are listed as well.

**New Business:**

The agricultural committee has recommended that Luke Munholand be appointed to fill the position vacated by Bill Ellis. Dick made a motion to nominate Luke Munholand to fill Bill Ellis' position. The motion was seconded by Poul. Dick, Poul and Amy voted in favor of the motion.

Dick received a survey from the census bureau. They are looking for a lot of details of the town's revenues and expenditures for the most recent fiscal year, 2021. With Jill and Tamara's help Dick has gathered the necessary data. Dick will remain point of contact in case they have additional questions.

Tamara informed the Board that Stored Solar, the owner of the power plan, has filed chapter 11.

**Board and Department Update:**

Jen Roberts informed the Board that they had 145 people attend the pancake breakfast. Between pancake sales, shirts and donations they profited approximately \$1,174. It was very successful.

From the minutes of the last fire department meeting Amy will follow up on a few things. The nox box isn't working on the rescue truck. There was also something about a recall on the AED's. Amy will follow up on those items. There is no update on the new truck.

The cemetery commission has stopped their meetings for the remainder of the year.

The library trustees had their meeting and have decided to not be open the Saturday after Thanksgiving and that will be a general rule moving forward.

At the next Selectboard meeting we will have Pete Lacaillade and Patrick Zullo here to review their budgets.

**Miscellaneous Business:**

Mike Lawlor asked what is happening across the street from his house on the 174 acres. Tamara informed him that they are putting a driveway in, so they don't have to use Greeley Road. The town has received a driveway permit approval from the state. As far as the town knows, that is all that is happening there.

Steve Barker reminded the Board that Eastman Charitable Foundation supports environmental projects, green recreation and education issues. If the town is looking for funds that is a potential source for projects. The foundation supports grants typically up to about \$5,000.

Steve Barker also asked if the town has ever considered using solar for powering the town buildings. This is not something the town has ever looked into. Amy informed Steve if factual materials were provided the Board could certainly review it.

Eastman Water District has decided to change their budget season by three months, so Amy has some conflicts with Selectboard meetings. Amy asked Poul to cover the planning board meeting on the 17<sup>th</sup>. Amy will not be available for the November 28<sup>th</sup> meeting as well as December 7<sup>th</sup>. Their annual meeting will be held on January 17<sup>th</sup>. This new timeline was created by the Board of Directors.

At 5:49 p.m. Dick made a motion to enter into non-public session to discuss tax deeding per RSA 91-A:3, (II)(c). The motion was seconded by Poul. By roll call vote Dick voted aye, Poul voted aye and Amy voted aye.

Dick made a motion to exit non-public session at 6:00 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 Poul. By roll call vote Dick voted aye, Poul voted aye and Amy voted aye.

Dick made a motion to adjourn the meeting at 6:01 p.m. The motion was seconded by Amy. Dick, Amy and Poul voted in favor of the motion.

The meeting was adjourned at 6:01 p.m

Jill Hastings

Deputy Administrative Assistant