

BOARD OF SELECTMEN  
MEMORIAL BUILDING

January 9, 2023  
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, Keith Cutting, Commissioner Hebert, Sandy Burke, Steve Dzubak, Donald Mason, Jennifer Edwards and Laura Patten

**Scheduled Appointments:**

Commissioner Hebert presented materials and information on Sullivan County projects, programs and opportunities available to the residents of Sullivan County. A few of the programs available are an HUD lead paint abatement program, public cidery, county trials and adult education courses. There are several programs available to help the municipalities within the county as well. Dick asked the commissioner about the grant writing service that is available to municipalities. If the town is looking for grant money this service will take you through the process after they know what you are looking for. This service is new this year and is free to the municipalities and a great resource. Further information of all programs and opportunities can be found on the county website at [SullivanCountyNH.org](http://SullivanCountyNH.org).

Jennifer Edwards and Donald Mason purchased the property at 27 Woodcrest. They are in the process of updating the apartment with the intent to make it available for short-term rentals. They are before the Board today to make sure they obtain the necessary approvals before moving forward. The Board reviewed their checklist/questions with the property owners, and it was determined their intent is to run a business. After discussion the next step was determined to be meeting with the Planning Board for a consultation; after that the next step would be to meet with the Zoning Board to apply for a special exception. They will be in touch with Whit Smith for guidance through the process.

Keith Cutting appeared before the Board to ask about the process of appointing members of the Agricultural Commission. Dick explained we have the warrant that was passed and the RSA; The RSA gives the commission as a local land use board the authority to appoint their own alternates. There was a misconception by Dick that the Agricultural Commission was a sub-committee of the Planning Board. Dick informed Keith that as the Chair of the Agricultural Commission he has the authority to appoint alternates and fill vacancies. Keith disagrees; the RSA in play was incorporated into the original warrant which through legislative action at town meeting puts that process into procedure. The RSA gives the Town some flexibility, but the warrant specifies the exact process that the town will apply to appoint commission members. There was discussion and clarification on the RSA's which seems to bring everything back to the Selectboard to appoint members. Dick pointed out that Tim Bray objected when the Selectboard

appointed Luke Munholand to the commission. Keith stated the Selectboard, pursuant to legislative action at the town meeting in the warrant article very clearly states that the Selectboard will appoint members to the Agricultural Commission. Whit explained that Tim Bray was advised that the Agricultural Commission is a committee, and a sub-committee of the planning board. That was most likely an inaccurate description. Whit is sure that Tim Bray would be happy to not have the responsibility of oversight for the Agricultural Commission. This solves Mr. Cuttings problem and says that the commission ought to submit their own budget requirements to be considered as part of the town budget and ultimately the Selectboard would have the responsibility for oversight of the commission.

Dick made a motion to nominate Luke Munholand as a member to the Agricultural Commission. The motion was seconded by Poul. Dick, Poul and Amy voted in favor of the motion. Keith thanked the board for their time. Keith informed the Board that there is still one more vacancy for a member and one more for an alternate to fill.

### **Zoning Permits:**

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, January 9, 2023.

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

None.

#### **Permit Applications Received – Returned to Administrator – Further Action Required**

1. Mark McCalmont, 228 Oak Hill Road, is building a house (permit issued Dec. 10, 2021) and would like to put TESLA solar tiles on the roof. Note: this installation may be different from a typical roof-mounted solar panel system install because the PV solar units, or “tiles,” may actually be the roofing material. If this is the case, Zoning Coordinator will bring the matter to the Planning Board for clarification – is a Zoning Permit required where the solar system is not mounted on top of the roof but is the roofing material itself. Nevertheless, the application was not complete and has been returned to the Administrator for follow-up with the applicant.

#### **Permit Applications Received – Awaiting DES Shoreland Permit before proceeding**

2. Aucoin/Ruppel, 15 Sandy Beach Road, would like a Zoning Permit for a hot tub that has been placed between the cottage and Kolelemook Lake. The location of the hot tub requires a shoreland permit (PBN) from DES, not because of the hot tub (DES agent says the hot tub is like a picnic table and is exempt), but because the area under the hot tub was “excavated and filled” with stone. The hot tub is also inside the side-yard setback of 35’. Accordingly, a Special Exception (non-conforming lot) from Zoning Board of Adjustment (“ZBA”) is also necessary before a Zoning Permit can issue (after-the-fact). Note: Springfield Zoning Ordinance is in conflict with DES interpretation. Under the Zoning Ordinance, the hot tub is a “structure,” but a picnic table is not. If the hot tub is a structure, it is within the 100’ shoreland conservation district buffer. Therefore, a Conditional Use permit issued by the Planning Board, may also be required. Zoning Coordinator will seek clarification from the PB at the next meeting.

Other Matters.

A. Hanson Bridge LLC ("HB"), has changed plan and now the following is pertinent:

(i) With respect to the wood-processing operation - "upper lot" (tax map #8, lot 803-020), which has already a Special Exception from ZBA to operate the business; and a Site Plan Approved by the Planning Board – HB now intends to put one (1) additional 30' x 60' building on the that lot (with no changes to the other second "upper lot"). This building will be a "cold-storage" building for materials associated with HB wood-processing business. Accordingly, HB will file an application to AMEND the existing site plan for the wood-processing business on that lot. HB has detailed drawing done by Clayton Platt, which will be presented to the Planning Board ("PB"). The PB has recently revised the site plan review application and the checklist associated with such a review. HB was provided with these updated forms. I understand this matter will be heard at the next Planning Board meeting (January 19, 2023) Zoning Permit application for the building on the upper lot (wood-processing cold-storage) has been received and is being held. This application will be considered when AMENDED site plan for the upper lot has been approved by the Planning Board.

(ii) With respect to the "lower lot," " (tax map #3, lot 680-523), HB would like to put a large building on that lot - within set back requirements. This "lower lot" has not received a Special Exception to operate a commercial business and does not yet have an approved site plan. The business HB has planned for the "lower lot" location is storage of third-party owned boats, trailers, and similar such equipment, both inside the proposed building and outside in the yard. HB will file an application for Special Exception to operate such a business for consideration by the Zoning Board at its next regular meeting (Tuesday, February 7) and, presuming approval by the ZBA, HB will have timely filed an application for site plan review by the Planning Board at their regular meeting on Thursday February 16. An application for Zoning Permit for the large storage building on the "lower lot" will be considered when the necessary Special Exception and Site Plan approval have been obtained.

B. Attended Planning Board meeting. (Hansen Consultation; Noise Ordinance) with Mike Hansen.

C. Attended Zoning Board meeting.

D. Prepared year-end summary for Town Annual Report.

E. Reviewed shoreland permit (PBM) for 2396 Main Street (Burke) to allow rebuild of retaining wall.

F. Reviewed waiver form language suggested by town counsel to be used in "continuance" of matters outside statutorily required time for decision by zoning board of adjustment.

Note: "NH RSA 674:33, Section VIII:

"VIII. Upon receipt of any application for action pursuant to this section, the zoning board of adjustment shall begin formal consideration and shall approve or disapprove such application within 90 days of the date of receipt, provided that the applicant may waive this requirement and consent to such extension as may be mutually agreeable. If a zoning board of adjustment determines that it lacks sufficient information to make a final decision on an application and the applicant does not consent to an

extension, the board may, in its discretion, deny the application without prejudice, in which case the applicant may submit a new application for the same or substantially similar request for relief.

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There is an application pending to put solar panels on the roof of a house. These are not the conventional solar panels that are assembled and bolted to an already built roof system. These panels are the roof material itself. Whit questions whether this be considered just a different roofing material which would not require a special zoning permit which is required for solar panels of the conventional type. Something to consider.

The plan for Hanson Bridge is coming together. Mr. Hanson will be at the January Planning Board meeting for an amended site plan. He will then go to the Zoning Board in February for a special exception on the lower lot; if that is approved, he will go for a separate site plan with the Planning Board.

With respect to the hot tub on Sandy Beach Road, DES has come down with the opinion that the hot tub itself is like a picnic table and the excavated area beneath the hot tub which was backfilled with round stones constitutes an excavation and fill. The hot tub does not require a shoreland permit but the excavation and fill does. That permit can be obtained by notification (Permit by Notification). In the meantime, they are up for final consideration of their special exception to operate a short-term rental business, this is not pending the resolution of the hot-tub issue.

At 5:36 p.m. Dick made a motion to enter into non-public session to discuss a welfare matter 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 5:51 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 welfare. The motion was seconded by Poul. By roll call vote Dick voted aye, Poul voted aye and Amy voted aye.

### **Minutes of December 12, 2022:**

*Tax Map 31, Lot 200, Sub 393, 2.440 acres at 20 Glenwood Road. A ~~bit~~ bid was received from Nicholas Fontanon in the amount of \$21,345.*

*Amy provided the Board members with her drafted response to Attorney Corley. The Board will review the letter and provide ~~it and~~ any comments to Tamara so it can be mailed out*

Dick made a motion to accept the minutes of December 12, 2022 as amended. The motion was seconded by Amy. Dick, Amy and Poul voted in favor of the motion.

### **Court Status:**

There are no status updates to report.

Attorneys Christine Fillmore and Demetrio Aspiras have requested a zoom call on Wednesday at 10 a.m. with Tamara and Selectman Hendl to go over some of the finer points of the Select Shephard's case. There is no further information. Dick has been reviewing the Selectboard, Zoning Board and Planning Board minutes back to 2015 to see what can be summarized as far as the history.

**Unfinished Business:**

The budget committee meets tomorrow and will be meeting with the police department per Ken Jacques request to discuss their proposed budget. Dick said we have the warrant article requesting the third cruiser and we've got the police budget asking for a third patrolman; Dick feels that will be the focus of the discussion. Poul asked if there was an official position of the selectboard as far as the budget with the third officer and the budget without. Dick felt the Board was going with plan A, the third officer. Poul has come around on that a bit, considering the last year. Poul would like to give this year an opportunity to have things settle down and look at adding the third officer and cruiser for next year's budget; his view is to go with plan b. Amy would like to see a third officer, at least 30 hours a week, to take some of the strain off Pat and Tim. Amy also feels there might be opportunities to find money for a cruiser. Amy doesn't want to see Pat and or Tim burnout if they both feel a third is justified.

Dick feels this is the time to have the town take on more of the responsibilities for its own law enforcement. We've been fortunate in the past with support of the state troopers when there's been no coverage and the surrounding towns for back-up. However, there are 72 vacancies on the state police force; every town around us has at least one vacancy. Dick doesn't feel we can rely on the state troopers and the towns around us as much as we have in the past for back-up. The town is growing, and Dick is working on collecting suggestive statistics to show that. Now is the time to start to look ahead and get that third officer. Even if we authorize a third officer who knows how long it would take to get one. Dick doesn't want to wait until this is a crisis. Poul's question is how we know its to the point of a crises, what are the key performance indicators saying we need a third person. This is a question for Pat. Dick explained that we've seen two years where we've worked with essentially one officer. We burned Mike Beaulieu out and we came close to burning Pat out. With vacations and things that need to be covered, we are one reserve deep. Poul was all for the three, but things have changed dramatically in the last three months and in speaking with Pat he feels things have stabilized. The part time position is seemingly difficult to fill in this environment. Something that will help our police department is that Sullivan County AG is looking to take on all prosecutions. That relieves our officers from having to do the adjudications.

Poul asked what the town's appetite is for another cruiser. Dick stated that since the town didn't pay for the last cruiser there shouldn't be too much resistance. Amy reiterated if we had a capital reserve fund for the police department, we could have money to replace a vehicle if necessary. What Dick would like to see happen is that if there is going to be a plan B, that the budget

committee submit a budget with plan B and we bring the two budgets to town meeting and let the town decide. Amy and Poul like the idea of two budgets being presented.

Poul says it seems like office hours are cutting back a lot. Tamara explained that it is just the town clerk/tax collector's office that is cutting back. Wednesdays are a very slow day, they might get one customer, which why it was decided they would close that day. Pixie is a salaried employee which is set by the Selectboard. Dick would like to see two people in that position. Town clerk would be elected and maybe salaried, and the tax collector would be hourly. History was provided as to why those positions were collapsed; it goes way back. These positions hold two separate roles. The issues would be with finding people to fill the individual positions. Something to think about in the future.

There has been no update on the noise ordinance.

The auction brought in \$12,000 and they will aim to hold another one in May or June. Amy asked where those funds go. The funds would go into the general fund. Amy asked if those funds could be allocated towards the new police cruiser. Dick stated if the warrant article passes, and it designates taking the funds out of the unreserved fund balance that is where those funds will be. Amy added this money came from the sale of municipal property; it would make sense to turn around a purchase more municipal property.

#### **New Business:**

Poul asked about the posted position for a secretary for ZBA and planning; where did that pop up? Tamara stated that has always been a position the town has had. There was someone in that position from 2015 to 2017. Amy asked if that is something that could be a duty of the deputy town clerk. Dick also felt Annika might be interested in the position; it's worth asking. There is still a line in the budget for this position. Poul sees a benefit in having Tamara available at the meetings; would the plan be for Tamara to continue to attend meetings. Tamara said she would most likely continue to attend Planning Board. She does not feel there is as much of a need for her to be at the Zoning Board meetings. Poul asked if in her current job description does it include taking minutes for these meetings. Tamara answered no it never has. Tamara has researched other towns that have the same position as hers and none of them do minutes for the boards, including the board of selectmen. Tamara stated the position might not get filled, but it's worth putting it out there.

Dick reminded the Board that the payroll services we were getting from BMSI are no longer available. Jill has taken on that additional responsibility. Dick is proposing an increase in Jill's hourly wages to compensate for this additional responsibility. There was discussion amongst the Board as to a fair increase in the hourly rate. Jill explained that BMSI is still who she would contact for support, they are just no longer providing payroll services. The board came to an agreement on Jill's new hourly rate retroactive to January 1<sup>st</sup>. Jill thanked the Board.

**Board and Department Updates:**

Amy informed the Board that January 19<sup>th</sup> is the district's annual meeting, so she will not be able to attend the town's budget meeting that evening. January 20<sup>th</sup>, if everything passes, she will be back into her regular rotation of the different departments. Right now, she has no updates on her departments. Poul will cover for Amy at the next Planning Board meeting.

**Signatures:**

1 Timber intent

**Miscellaneous:**

Amy brought up the discussion of internal communication. Amy and Poul feel there is a lack of communication between the Board members and the town administrator. Amy would have liked to see a reminder of a meeting that took place last week. Tamara respectfully explained her position on the matter. Amy understood her point but would have appreciated a quick email reminding all of the meeting. Poul agreed, the role of the town administrator is to support the selectboard, and if they are requesting something like a reminder it should happen. There was further discussion on the Board being informed of emails/general information obtained by other boards and departments, whether it seems important or not. Poul would err on the side of too much information as opposed to not enough.

Poul mentioned the decision to get a secretary for the two roles; he felt that was something the three board members should've discussed. Dick stated that was a decision made by Dick and Tamara. These positions have existed for some time, and they have been vacant. Tamara has done the jobs of those people. Poul's question is was that something the full Board should have discussed and agreed on. Dick stated it probably should have; adding with Tamara being the single point of contact, that puts a very big burden on her and takes up a lot of her time; there has to be a balance. Dick stated the point is well taken and is confident Tamara will send along all necessary information to all Board members.

Poul made a motion to adjourn meeting. The motion was seconded by Amy. Poul, Amy and Dick voted in favor of the motion.

The meeting adjourned at 6:48 pm.

Jill Hastings

Deputy Administrative Assistant