

BOARD OF SELECTMEN

AUGUST 27, 2018

MEMORIAL BUILDING

4:00 P.M.

The following are to be considered draft minutes until approved by the Board.

The meeting came to order at 4:00 p.m. and opened with the Pledge of Allegiance.

Selectmen present: Tamara Butcher, Chairman; Dick Hendl, and George McCusker.

Others present: Jim Bednar, Leigh Callaway, Mike Lawlor, Erin and Tony Cote, Pete Abair, Pixie Hill, Lynne Bridges and Whit Smith.

Leigh reported there is \$164.00 in cash donations to the 250th Committee from the donation jar. Dick move to accept the donation, seconded by George and unanimously approved.

Leigh shared a Raffle Permit for the Selectboard to review. In a recent review of a Legislative Bulletin it was determined that NH law requires an organization to obtain a permit from the Board of Selectmen to hold a raffle, unless the raffle is for less than a 12 hour period. The 250th Committee currently has two long-term raffles. A quilt raffle, and a rug raffle, going from July 15, 2018 to July 15, 2019. The committee was not aware this law existed and are seeking “after-the-fact” approval. The Selectboard unanimously approved the Raffle Permit.

Carter Brook Road – Erin and Tony Cote reported the logger (Steve Johnson) has returned and is logging on property in Grafton, using Carter Brook Road, which is a Class VI road, as the access. Erin stated she recently contacted the Selectboard via e-mail to make them aware of the situation. Tamara and Dick reported they have both been to the look at the road. Erin stated, the road is muddy and the logging trucks are causing ruts, making it difficult for the Cotes to get to and from their home. They have had no issues with maintaining the Class VI road for their own use, and were aware of the responsibilities when they built their house there. They should not have to deal with the damage the logger is doing or incur additional expense to refurbish the road or the bridge when the logging is finished. Erin has spoken to the logger or someone on his crew several times about the condition of the road, without any satisfaction. They do not feel the logger should have been given approval to use Springfield roads (Carter Brook and Shad Hill) since the logging is all taking place in Grafton with no logging happening in Springfield, and the Town is not receiving any revenue from it at all. Tony stated when the project started a year or two ago, the logs were going out through Grafton, but that is no longer the case. He believes a landowner may have shut the access down. Now, the logs have to be dragged about 2 miles through the Grafton property to get to the landing before they are hauled out through Springfield. There is damage being done to both Carter Brook and Shad Hill Roads and there needs to be a little respect on the logger’s part to leave the road in as good or better shape than he found it.

Dick noted there is a bond in effect until February 2019. The roads have to be left in shape satisfactory to the Road Agent before the bond is released. It seems there needs to be some kind of arrangement with the logger to keep the road in passable condition for use by the Cotes while the logging is taking place. Tamara stated the Town has the authority to shut the logger down

until things firm up, or if he is not willing to satisfactorily resolve the issues for the Cotes. Pete Abair, Road Agent, stated he has spoken to the logger about smoothing up the road and adding some material to improve the situation, and even suggested he call Art Conkey to haul some material in.

The Board recommended Peter Abair speak to Steve Johnson again and inform him the road needs to be made passable for the Cotes daily use. Approval of the repair rests with Peter. Mr. Johnson will have until September 10th make repairs to Pete's satisfaction, or he will be shut down. Also, at the end of the project, Pete will meet with the Cotes. Pete has the final say in the conditions Carter Brook and Shad Hill are left in. If work is not done satisfactorily, the bond will not be released and will be used to make necessary improvements. All Board members were in agreement.

Police Sergeant Mike Beaulieu recommended the residents provide written statements as to what is happening or not happening there. Erin will send documentation as to what has taken place.

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, August 27, 2018.

Here is a summary of permit applications and Zoning Coordinator activity.

Application for Permit – Acted Upon, Approved:

1. Lynette Johnson, 147 Georges Mills Road, wants to build a garage next to her driveway. There is a perennial stream on the property (per ArcGIS wetlands map with 100' buffer). Property Owner located an area outside of the 100' buffer; Zoning Coordinator confirmed that the location does not violate any setback requirements. Accordingly, Ms. Johnson filed an application for a zoning permit. Zoning Coordinator has been to the site and has reviewed the plans. There are no setback issues and no wetlands issue. The structure will be less than 35' high. APPROVED by Zoning Coordinator pursuant to delegation of authority.
2. Kenneth Downs, 1827 Main Street; wants to build a back-porch/vestibule to protect entry. Zoning Coordinator has been out to the site and has reviewed the plans. There are no setback issues and no wetlands issue. The structure will be less than 35' high. APPROVED by Zoning Coordinator pursuant to delegation of authority.
3. Olivia Weathers, 2386 Route 4A; application for 16' x 40' swim pool. Zoning Coordinator has been out to the site. Location is marked and staked. There are no setback issues and no wetlands issue. The structure will be less than 35' high. APPROVED by Zoning Coordinator pursuant to delegation of authority.
4. Peter Goldsmith, 223 Oak Hill Road; application for zoning permit allowing 18' x 16' addition to the back of existing home. Snow Construction will be doing the work and detailed plans have been submitted. Zoning Coordinator has been out to the site and has reviewed the

plans. The location is adequately marked and staked. There are no setback issues and no wetlands issue. The structure will be less than 35' high. APPROVED by Zoning Coordinator pursuant to delegation of authority.

Application for Permit PENDING:

5. Christine Austin, 140 Woodcrest Road (Private); Application to the Planning Board for Conditional Use approval to allow the ground (basement) level to be considered an Accessory Dwelling Unit, as required by the Zoning Ordinance. No Zoning Permit required as there will be no change/addition to the existing residential structure.

6. Bryan O'Day, 15 Stryker Road; Application for conversion of single family dwelling unit to two-family dwelling unit. This involves (1) an application to the Planning Board because a two-family dwelling unit must be approved by the Planning Board. (Ordinance, Article III, Section 3.13, second para. at page 5.) If approved by the Planning Board, Mr. O'Day will then (2) present his application to the Zoning Board of Adjustment for relief in the form of a Special Exception due to non-conforming lot size. The lot is 2.49 acres and Zoning Ordinance requires a minimum of 1.5 acres per dwelling unit. (Ordinance, Article III, Section 3.13, second para. at page 5.) Interestingly, Mr. O'Day is converting a family residential house into a so-called "duplex." There is no change in the footprint or size of the structure. All modification/renovation is to the interior of the structure. The change does not qualify for consideration as an Accessory Dwelling Unit because Mr. O'Day, the property owner, does not live at the residence.

Other Matters.

A. Developed format for Petition to Planning Board requesting Conditional Use Approval/Permit. The Town has not had a standard form or format for application to the Planning Board when seeking a Conditional Use Permit. Since the facts and circumstances requiring a Conditional Use Permit vary from case to case considerably (each case has its own set of issues for consideration) an Application in the form of Petition seems to best suit the process. Conditional Use is granted after deliberation by the Planning Board which occurs after a public hearing following appropriate notice to all abutting landowners per NH RSA.

B. Visit James Gatti, Oak Hill Road; review plans to enclose part of an existing structure (back porch attached to residence). No zoning permit required because the project does not involve any addition to the existing footprint of the structure. There will be no new overhangs or changes to the roof line. This is simply to create a mud-room as part of the porch. Entry way to the house remains the same.

C. E-mail inquiry regarding apparent construction activity at Subramanian lot on Lake Kolelemook (Woodcrest Road). Email to Hendl regarding no information pertaining to this inquiry.

D. Attended regular meeting of Planning Board – August 16, 2018.

E. Visit Amity Ollis, 57 Lorent Drive; discuss and stake location of proposed unattached garage. The best site on the lot (most efficient use of the land) is twenty feet (20') off the road. Since the lot is only 1.2 acres, it is "non-conforming" and Ms. Ollis may apply to the Zoning Board of Adjustment for a Special Exception seeking relief from the thirty-five-foot (35') setback requirement.

<< RWS 08/26/2018 >>

Whit reported the Weathers' have decided to add a pool shed. Mrs. Weathers will be submitting an amended application.

Whit has put together a format for a Conditional Use Application to the Planning Board. The Planning Board did not have an application form for this.

Amity Ollis has applied for a garage. The proposed location does not meet setback requirements. She can chose to apply for a Special Exception if she wishes, this is a non-conforming lot.

Bryan O'Day wishes to divide his late mother's home into a two-family dwelling unit. Bryan now owns the property, and he would like to create a source of income from the property. His brother has lifetime right to live there. The home does not qualify as an ADU as Bryan is not living at the residence. The property is 2.49 acres and does not meet minimum lot requirements for a two-family dwelling. He must seek approval from the Planning Board and Zoning Board. Bryan has opted to go before the Planning Board first.

Lynne Bridges of 59 Sanborn Hill Road reported on her concern regarding dump trucks and logging trucks on the road. She moved to the property in December 2016 and there has been a lot of logging activity during the winter. In the summer there are also a lot of been dump trucks. Recently they have been going back and forth a lot. Sometimes 8 trips in one hour. Not every day, but quite often. Saturday they started at 7:25 am. They are really loud and noisy, and they hit the brakes when they go down the hill by her house to the stop sign. She is concerned about safety. Peter Abair reported he thought the trucks were done with hauling last year. The Board noted the owner of the property they are hauling from let the bond on the project lapse last year. He was notified he was in violation of a condition of approval placed by the Planning Board. There is no bond in place, and the hauling must stop immediately. Peter will contact the trucker.

Dick reported there is no update on the roof repairs. George suggested perhaps Chris Gaherty would be able to do the work. Dick will contact Chris.

Minutes: Motion by George to approve the Minutes of August 14, 2018 as written. Motion seconded by Dick and unanimously approved.

Tamara reported she received a phone call from Terry Knowles of the Charitable Trust Division. Terry told her a Non-Judicial Charitable Agreement needs to be filled out in order to complete the process of closing out the Jackman/McDaniel Trust Account. Janet reported Terry had also contacted Shawn Tanguay. Shawn was not sure that he needed to be involved in this process and

did not want to incur expenses to the town for this purpose. The Board agreed to have Janet contact Angela MacCreighton for her input as she has been working on this.

The Board reviewed the Department of Labor finding report with Pete Abair. Most of the requirements on the list have been taken care of.

Old Business:

Tax Deeding: Tamara stated something needs to be done to resolve the number of people who have avoided paying their taxes for three years or more and are in jeopardy of tax deeding. It is not fair to those tax payers who are paying. Tamara discussed with the Board making appointments to meet with tax payers to negotiate payments for those taxpayers who have fallen behind and are in jeopardy of having their property taken by tax collectors deed. She suggests sending them notice that includes a time and place to meet with the Board. If they do not show up, or fail to pay by the due date, the Selectmen should advise the Tax Collector to deed the property.

George stated he is not in favor of any of this as he does not think this is going to work. He thinks the tax deeding notice should just be sent and the property taken if payment isn't made. He is also concerned that working out a payment arrangement for the delinquent amount, is not going to catch them up and keep them current on those years not in jeopardy of tax deeding. They are going to be in the same situation again next year.

Dick stated he thinks the people need to at least be given a chance to address the issue.

Tamara stated she hopes this will work, but is not sure if it will. The Board has to do something. These people cannot keep getting away without paying their taxes.

George doesn't agree with the process, but understands the reason. The Selectboard's obligation is to get these properties back on the tax rolls as soon as possible.

Dick agreed. He believes the Board should give this one last try.

Whit stated sending these letters is a good idea, and part of due process. The Board will have documentation of everything they have done to collect the amount owed so they cannot claim the property is being taken "behind their backs".

Appointments will be set for Wednesday, September 12, and Thursday September 13, from 5 to 7 pm. Letters will be sent Certified and Regular Mail.

New Business: Dick discussed the condition of the air conditioners in the office. They need to be overhauled or replaced. Dick has looked at Amazon and found them for between \$200 and \$300 for 6,000 to 8,000 BTU. George stated that Ocean State Job Lots is having a sale on them right now. Purchasing one for the Protectworth Room was also discussed. Motion made by

Dick to replace and install new office air conditioners, and to authorize up to \$1200 for that purpose. Motion seconded by George and unanimously approved.

Board and Department Updates:

Fire Department: Tamara reported the Fire Department has done some research on the value of the old tanker. They are leaving it up to the Selectboard to decide how to proceed. Dick shared the information he had from Auctions International. Several area towns have successfully used them. He will contact the auctioneer. The Board was in agreement to see what the firm has to offer. Local advertising has not always been successful in the past.

Library: Dick reported the Friends of the Library have offered to buy a PA system with speakers. They felt it would have been helpful at a recent event the library held at the Town Meetinghouse. The Board agreed this makes the Meetinghouse more useable. Tamara also noted Memorial Day Services could use a PA system. Perhaps this is something that can be shared.

Dick stated he will be attending the meeting of the 250th Committee Wednesday evening. The Library Trustees would like to add a puppet show to the 2019 activities.

Intent to Cut Timber Form signed for Abair on Hazzard Road.

The meeting adjourned at 5:45 p.m.

Submitted by,

Janet Roberts,
Administrative Assistant