

BOARD OF SELECTMEN

FEBRUARY 25, 2019

MEMORIAL BUILDING

4:00 P.M.

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

The meeting was called 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: Leigh Callaway, Fay George, Jen Roberts, Mike Lawlor, Mackenzie Allen, and Susan Abair.

Leigh reported one \$500 donation to the 250th Charitable Trust. Dick moved to accept the \$500.00, seconded by George and unanimously approved.

Upcoming events: Winter Hike on March 2. Pancake Breakfast at the Fire Station on March 10, and local sugar house tours on March 23.

Fay George presented the Board with a proposed payment arrangement for back taxes owed on the property formerly owned by her sister tax deeded by the town at 2262 Main Street. Fay has been granted Power of Attorney for her sister. Fay's proposal is to make payments on the back taxes, while making sure all current taxes are paid. In the best interest of the public, she is prepared to clean up the property and see that it remains so. Tamara stated it is too late for the town to accept payments. That time has passed. The amount owed needs to be paid all at once and can only be made by a former owner. If the town decides to do something with the property, notices will be sent to former owners with options spelled out. Fay requested a copy of any notices be sent to her as well as the Power of Attorney. Dick asked if a POA takes on the responsibility of paying the taxes. Fay stated that is how she is setting things up, and an account is being created for that purpose. Tamara thanked Fay for her generosity and interest in helping her sister.

Kennebec Lumber noise concerns: Tamara asked those present to introduce themselves. In addition to the Board of Selectmen, the following were present: Susan Abair, Mackenzie Allen, Scott Piper, representing Kennebec Lumber, Andy D'Amico, Brooks and Olivia Weathers, Jen Roberts, Mike Hummel, Paul Seyfried, Mike Lawlor, and Mike Beaulieu.

Scott Piper stated he was contacted by Dennis Carrier, the owner of Kennebec Lumber, 10 or 11 days ago about neighborhood noise issues on Route 4A relative to the mill. Dennis asked Scott to find out what the noise concerns are so that he, Scott, can begin investigating and work toward a solution. Scott stated he has worked with Mr. Carrier since 2011 on mill related issues. Olivia Weathers stated her concern is with what has gone on since the August ownership change. She has spoken to Dennis many times about modifying the back up alarms. Some alarms may have been changed, but she was specifically asking for the "white noise" back up alarms like Durgin & Crowell uses. They work by "puffs of air" and are OSHA approved. A lot of companies

have banned the mechanical ones. Brooks Weathers said Durgin and Crowell has had good success with the use of the white noise alarms. The noise does not carry like the other alarms.

The other issue is with the kiln/fan noises that are constant and are louder since the ownership change. Mike Hummel stated he often notices the noise is loudest around 4 am to 6 am and thinks maybe the fans are venting before loads are changed when the plant opens. The noise is often high pitched, piercing and sounds like a plane taking off. The fan noises are noticeable 24/7. They are looking for some way to mitigate the noise. Olivia stated the noise is constant and they had to close their windows, after the noise changed. Even then they can hear the noise. She wants to be able to enjoy her home and property again. Brooks stated he notices the noise most when it is high pitched, sometimes it is louder and varies with atmospheric conditions. Paul Seyfried, lives on Town Farm Road. He and his wife have noticed a difference. Their house is not elevated above the mill like the Weathers, but the noise is constant and was particularly noticeable yesterday with the wind.

Dick Hendl asked Scott what he has been asked to do and what changes can be expected. Dick suggested an acoustic consultant to quantify the noise. Dick said he and Whit had been to the Weathers' home and taken decibel readings. The noise was quite clearly above the ambient level. This problem needs to be addressed. Scott stated Dennis asked him to find out what the issues are first and then he will investigate and make recommendations to address the problems so people are happy, and Dennis can keep running his business. Dennis wants to solve the problems to an acceptable nature for all parties. Scott stated, Mr. Carrier has been in the business for many years and has several plants in communities without issues. He has recently acquired several new mills and he has a lot "on his plate" right now as he grows his flooring manufacturing business. That is why he called in Scott. Scott stated he can attest to Dennis' character and business management.

Scott thanked those present for explaining to him what the issues are, and as he is just getting started, he asked for patience as he works through the issues. He stated that undoubtedly there are things that can be done to mitigate the problems. He is aware, that in the future, there is a plan for dehumidification kilns which do not require venting. George McCusker stated he lives at the top of a hill above Durgin and Crowell, and he knows they have been able to do things to mitigate noise and the beepers on equipment. Now the only time he hears beepers is when they are clearing snow. Brooks stated the beepers are probably from the plow truck. Andy D'Amico asked when an update can be expected. Scott said he will need some time to study the issues, but he will provide some communication to the Board of Selectmen in 2 weeks. Mike Lawlor stated he lives on Route 4A, and he doesn't hear anything except sometimes he can hear the beepers. Mike Hummel thanked Scott for his information and feels this is progressing positively. The Board thanked Scott for coming.

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, February 25, 2019.

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

Application for Permit – Acted Upon, APPROVED

1. Andy & Liz D’Amico, 2279 Route 4A; Application to have roof mounted solar panels installed on top of existing garage structure. Approved pursuant to delegation of authority after review of Designated Wetlands situate near the D’Amico residence; and the history of the Structure itself, which may be one of the oldest buildings in Springfield (fka Protectworth). According to a life-long resident the residence was formerly the “Protectworth Tavern” on the Stage Coach route where fresh horses were harnessed, and victuals were available for weary travelers. Accordingly, there is a presumption that the Structure pre-dates the Wetlands Protection Act. Since there is no change in the existing “foot print” of the Structure, the Zoning Permit was Approved.

Application for Permit PENDING

2. James Mullins, Woodcrest Road; Application to build primary residence on non-conforming lot. This matter will be heard at the next meeting of the Zoning Board of Adjustment set for March 5, 2019, 7:00pm

Application for Permit INCOMPLETE

3. American Towers LLC, 180 Oak Hill Road; Application to add concrete pad and generator to cell tower installation. Application was not complete. Zoning Coordinator did visit the site. Proposed location for generator was not marked or staked. No setback info, no sketch showing location. Application returned to Administrator for notification to Applicant.

Other Matters.

A. Inquiry from property owner living in Twin Lake Villa area regarding plans to build garage on non-conforming (1.25 acre) lot. Proposed location encroaches into the setback. Zoning Coordinator visited;

B. Received inquiry from town resident regarding apparent commercial activity on Four Corners Road. Visited location. Responded to inquiry and suggested that concerned resident appear at the next Select Board meeting.

C. Inquiry from real estate broker regarding the “lay of the land” and the location of wetlands on a particular parcel that is, apparently, for sale. Responded to the same; provided broker with a copy of Arc/GIS wetlands mapping tool image of the property.

D. Zoning Coordinator was NOT able to attend the Planning Board meeting on February 21.

F. Met with property owner regarding the expansion of concrete patio around swim pool to include a "play area."

<< RWS 2/24/2019 >>

Whit was not able to be at this meeting. The Selectboard accepted his report.

Tamara commented on the inquiry Whit had sent to the Planning Board for their opinion of the second phase of the D'Amico permit regarding the heat pump. Tamara stated the e-mail went to Chairman, Kevin Lee, but he was not at the meeting so none of the other board members were aware. Andy reported the heat pump is an integral part of the solar equipment he is having installed at his home. Whit was trying to get an opinion from the Planning Board as to whether a zoning permit is required for the pad and heat pump. Whit noted the proximity of the home to a designated wetland, but the Ordinance does not speak to whether a heat pump is to be considered a structure. If a zoning permit is required, there may be the need to seek relief at the ZBA before the permit can be approved.

Minutes of February 11, 2019: Dick moved to accept the minutes as written, seconded by George and unanimously approved.

The issuance of the bank note for the SCBA equipment requires the following: Motion by Dick, I move that the Resolution entitled, "Resolution to Authorize Issuance and Sale of \$99,000 Bond to Finance Fire Department Equipment," be approved in form presented to this meeting, and that an attested copy of said Resolution be included with the minutes of this meeting. The motion was seconded by George and unanimously approved. The resolution follows:

**RESOLUTION TO AUTHORIZE ISSUANCE AND SALE OF \$99,000 BOND TO
FINANCE FIRE DEPARTMENT EQUIPMENT**

Pursuant to the Municipal Finance Act, RSA Chapter 33, and approval of the voters of the Town of Springfield (the "Town") of Article 03 on the Warrant for the Annual Town Meeting duly called and held on March 13, 2018 and reconvened on March 17, 2018 (the "Authorization"), the Board of Selectmen of the Town resolves as follows:

1. That the offer of Sugar River Bank to purchase a general obligation bond of the Town in the original principal amount of \$99,000 with an interest rate per annum on the outstanding principal amount thereof equal to 3.90%, is accepted and approved, and any prior such action by an officer or employee of the Town is ratified and confirmed;
2. That in accordance with the Authorization, the issuance and sale of a general obligation bond in a principal amount not to exceed \$99,000.00 (the "Bond") is authorized at the per annum interest rate of 3.90% with principal and interest to be paid in substantially equal monthly payments of principal and interest, which Bond is issued to pay costs of

3. replacing Self Contained Breathing Apparatus for the Fire Department, including the purchasing of replacement parts and refitting storage area (the "Project");
4. That the expected useful life of the Project is determined to be not less than three (3) years;
5. That the Bond shall be signed by a majority of the Board of Selectmen and countersigned by the Treasurer under the official seal of the Town, if any; and shall be in such form as such signatories may approve; said approval to be conclusively evidenced by the execution and delivery thereof;
6. That the Bond be issued in the name of the Town and in registered form transferable only on the registration books of the Town, which registration books may be kept by the Town or its transfer agent, upon surrender thereof with a written instrument of transfer, duly executed by the registered owner or his/her attorney duly authorized in writing;
7. That the Treasurer be authorized to covenant that no part of the proceeds of the Bond shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause the Bond to be an "arbitrage bond" or "private activity bond" within the meaning of Sections 148 and 141 of the Internal Revenue Code of 1986, as amended (the "Code");
8. That in connection with the issuance and sale of the Bond, the Treasurer on behalf of the Town is authorized to execute and deliver an Arbitrage and Use of Proceeds Certificate and/or other certificates with respect to tax matters in form approved by bond counsel, and to covenant on behalf of the Town to file any information reports and pay any rebate due to the United States in connection with the issuance of the Bond, and to take all other lawful actions necessary to ensure that the interest on the Bond will be excludable from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause interest on the Bond to become includable in the gross income of the owners thereof;
9. That the Treasurer be authorized to designate the Bond, as applicable, as a qualified tax exempt obligation for purposes of Section 265(b)(3) of the Code;
10. That the Treasurer in consultation with bond counsel be authorized to implement written procedures with respect to the Bond for the purpose of: (i) ensuring timely "remedial action" for any portion of the Bond that may become "non-qualified bonds," as those terms are defined in the Code and regulations thereunder; and (ii) monitoring the Town's compliance following the issuance of the Bond with the arbitrage, yield restriction and rebate requirements of the Code and regulations thereunder;
11. That the Treasurer, Chair of the Board of Selectmen, Clerk, and other proper officials of the Town, acting singly, be authorized and empowered in its name and on its behalf to

12. execute and deliver such other documents and certificates and to do or cause to be done all such other acts and things, not inconsistent herewith, as may be necessary or desirable in order to effect the issuance, sale and delivery of the Bond and the accomplishment of the Project herein authorized;
13. That if the Treasurer, Clerk, or members of the Board of Selectmen, as applicable, are unavailable for any reason to approve, execute, or attest the Bond or any related financing documents, the person or persons then acting in any such capacity, whether as assistant, deputy, or otherwise, be authorized to act for such unavailable official with the same force and effect as if such official had himself/herself performed such act;
14. That if any of the officers or officials of the Town who have signed, attested, or as applicable sealed the Bond shall cease to be such officers or officials before the Bond so signed, attested, and sealed shall have been actually authenticated, or delivered by the Town, such Bond nevertheless may be authenticated, delivered, and issued with the same force and effect as though the person or persons who signed, attested, or as applicable sealed the Bond had not ceased to be such officer or official; and also, any such Bond may be signed, attested, or as applicable sealed on behalf of the Town by those persons who, at the actual date of execution of the Bond, shall be the proper officers or officials of the Town, although at the nominal date of the Bond any such person shall not have been such officer or official; and
15. That the Clerk include an attested copy of this Resolution with the minutes of this meeting.

The Resolution was signed.

Town Meeting Coverage: George will be there all day. Dick will get there at 11 am. Tamara will get there sometime after she gets out of work at noon.

Warrant Article coverage: Article 2, Sand Shed Site Prep. - Tamara
 Article 3, Old Home Day – George
 Article 4, General Municipal Operations – Dick will give an
 explanation of the Unreserved Fund Balance

Board and Department Updates:

George reported Bryan O'Day found a survey plan of his mother's property. The Planning Board accepted the survey. In Kevin Lee and Peter Keene's absence, Darrin Patten chaired the meeting. Darrin will speak to Kevin about drafting a letter to the ZBA in reference to the decision the ZBA wrote for Bryan.

An amended Site Plan was approved for Michael Hansen to build an office for the business he runs on his property located at Hansen Road.

George stated the Planning Board had questions regarding the invoice and report from Lou Caron for engineering services on the Cunningham property. The members had some questions about who contacted Lou and why the town was responsible for the invoice. Kevin was not available to clarify. Janet shared the contact that had taken place back in October 2018.

Jen Roberts came in to speak to the Board about her concern that there still does not appear to be a process to make sure people with home businesses are compliant with Site Plan Review (SPR) requirements. She and Kevin each have a business on their property. She is not looking to keep anyone from running their business, but two years ago when she and Kevin were looking to build an in-law apartment for her mother, they were made to get Site Plan and Special Exception approval before they could get a permit to build the apartment, which had no connection to the businesses. They were told by the Selectboard at that time, they would be “drawing a line in the sand” and requiring anyone who was adding a building to a property also being used for business purposes would be made to go through the process. She only knows of one other person where this was the case. She has looked through zoning permits issues of the past two years and found several approved permits for buildings on properties with businesses that do not have a Site Plan Review. Changes to property was to be trigger. Jen stated she was present when a permit for a garage on Four Corners Road was approved. The owner stated he was not operating a business there. There are trucks and other equipment parked at the Four Corners Road location and recent information she has seen online indicates the business is being operated from Springfield and not Grantham. She does not want to cause problems for those with businesses, but she wants that everyone be treated equally. She was told in 2016 there needs to be a process and if there is not a process yet, what more needs to be done to create one. Tamara stated the applicant of the zoning permit being discussed said he was not operating a business in Springfield. His business was being run out of Grantham. If a new structure was not being added, there wasn't anything to trigger notice of a change. If a business is now being run from the location, then there is a need for compliance. The Board discussed internet links advertising the business in Springfield. They will look into this further, and if needed, contact the owner.

Jen asked about who to contact and rules and regulations for speed and wake on Lake Kroleemook. Last summer there was a boat that many times came too close to swimmers and going close to the raft, often pulling water skiers without a spotter. Dick stated he and members of the lake association are aware of this taking place. The only way to enforce this is by calling NH Marine Patrol, but the office covers about 1/3 of NH and trailers a boat and often takes 1/2 to 3/4 of an hour to respond. Dick has spoken to the Marine Patrol officer and had bow numbers, etc., but the only way Marine Control can enforce is for the officer to witness this when it is happening. The Board of Selectmen did send a letter to one of the offenders, but enforcement is very difficult in this situation. Dick encouraged those who witness this activity to keep reporting to Marine Patrol.

Beach Permits: Every summer there is a problem with out of town residents using the beach and causing overcrowding, creating parking issues and crowding for residents. Jen questioned using car passes and guest passes to enforce attendance at the beach. Tamara stated the Board has this discussion yearly. She agrees with the idea of having passes. The Board will need to work out

how to handle enforcement. Mike Beaulieu suggested the Selectmen adopt an ordinance that would give the Police Department something to enforce. George McCusker stated this has been a problem for a long time. He suggested looking to see what other towns have for ordinances. Dick will contact New London and Sunapee to see what kind of system they use.

Jen also mentioned a structure on Main Street that had been built as a “bob house” but it hasn’t been used for years as a bob house but has been in the same location and is used for storage. She believes this is an unpermitted structure.

Mike Lawlor questioned if anyone knew the purpose of the pallets that have appeared at another Main Street location. Dick reported the DES had previously been out to meet with the individual and has issued a four-page report of corrections that need to be made to the property with deadlines given.

Mackenzie questioned what the status of the property at 2262 Main Street is. The Board discussed the statutory requirements of tax deeded property. If the town decides to sell the property, it first must be offered to the former owner. The town also has the option to hold on to the property.

George McCusker stated he had seen that part of the snowmobile trail at the end of the lake was closed by the landowner. He noted it is a shame the trail had to be closed. The club works hard to keep trails open and are appreciative of the landowners.

At 5:52, the Board voted unanimously to enter non-public session per RSA 91-A 3 legal. All those remaining at the meeting left the building.

At 6:00 the Board entered back into public session and voted unanimously to seal the non-public minutes. Tamara reported the Board had reviewed legal documents regarding the property at 2262 Main Street.

The meeting adjourned at 6:02 p.m.

Submitted by,

Janet Roberts,
Administrative Assistan