

BOARD OF SELECTMEN

MARCH 25, 2019

MEMORIAL BUILDING

4:00 P.M.

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

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

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

Others present: Whit Smith, Leigh Callaway, Jill Hastings, and Olivia Weathers. Darrin Patten and Ken Jacques arrived just before 4:30 p.m.

Leigh reported one \$11.00 donation to the 250th Charitable Trust. Dick moved to accept the donation for the 250th Charitable Trust, seconded by George and unanimously approved. Two commemorative license plates were purchased with a \$40.00 check made out to the Town of Springfield not the charitable trust. Dick moved to apply the check to the 250th, seconded by George and unanimously approved.

Leigh stated that Angela MacCreighton can no longer serve as a Trustee of the Trust Funds since she has been elected as the Town Treasurer. At the moment, he is working with Trustee, Susan Chiarella on the 250th trust accounts. Appointments for Trustee of Trust Funds are made by the Board of Selectmen. He encouraged the Board to find a replacement soon.

Election of Chair and Vice-Chair: George nominated Dick as Chairman, Tamara seconded. After discussion, Dick agreed to accept the position. The motion passed with two in favor (George and Tamara) and one abstention (Dick). Dick nominated George as Vice-Chairman, seconded by Tamara. George accepted. The motion passed with two in favor (Dick and Tamara) and one abstention (George).

The Board discussed department liaison assignments. Board members will keep their current departments except for George taking on Highway from Tamara. (See contact list posted at the end of these minutes.

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

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

Application for Permit – Acted Upon, APPROVED

1. James Mullins, Woodcrest Road; Application to build primary residence (28' x 32' and 27' high) on a scenic non-conforming lot by the shore of KOLELEMOOK Lake (*Indian trans. – “good fishing”*). All permits in place. Applicant received Special Exception from town Zoning Board of Adjustment. Notice of Limitation of Liability for having residential structure on a private road signed by Applicant. Zoning Coordinator visited property. Zoning Permit application approved pursuant to delegation of authority.

2. American Tower, LLC, 180 Oak Hill Road; Application to install 50 KW Diesel generator inside fence at cell/broadcast tower site. No wetlands issue; no setback issues. New structure (generator) is less than 35' tall. However, in processing this application it was noted that there may be no site plan/variance for 300' tall tower. On information and belief, this installation pre-dates the Springfield Zoning Ordinance. Applicant was advised that they should apply to the town Planning Board for a site plan approval. Zoning Permit application approved pursuant to delegation of authority.

Other Matters.

A. Inquiry from property owner on Twin Lake Villa Road regarding location of proposed structure (garage) that may encroach the side yard setback requirement of 35'. Visited site and met with property owner. Discussed with property owner the process to apply for relief through the Zoning Board of Adjustment.

B. Attended Planning Board meeting. A member of the Planning Board initiated a discussion regarding the role and effectiveness of the Zoning Coordinator. Specifically, Mr. Patten raised concerns that Zoning Permits had issued to property owners who were “conducting business” without being first referred to the Planning Board for the required Site Plan application, review and approval; and the requirement to obtain a Special Exception from the Zoning Board of Adjustment in the event it is determined by the Planning Board that a business, commercial or industrial use is occurring on the property. Several examples were discussed.

C. Received inquiry from property owner regarding receipt of a letter from the Board of Selectmen questioning conduct of a business on residential property (Four Corners Road). Responded to the property owner. Received explanation from the property owner and forwarded the explanation to the Board of Selectmen for review and decision regarding next steps, if any.

D. Visit property on Town Farm Road Extension in response to concern raised by Planning Board regarding credible evidence of business, commercial or industrial use is occurring on the

property. Prepared and sent report to Board of Selectmen with copy to the Chair, Planning Board.

E. Received inquiry from property owner on Bowman Road regarding setback requirements for lot with non-designated wetlands (stream) bisecting the apparent center of the property. Responded to the same.

F. Inquiry from property owner (Route 4A) requesting a meeting to discuss next steps regarding placing or building an addition on the back of existing structure. Owner previously received Conditional Use permission from the Planning Board because this would be “an addition to an existing structure” that would encroach into the 660’ buffer for McDaniels Marsh. Construction of the addition was never begun. Zoning Permit has lapsed. Zoning Coordinator has not yet met with the property owner.

<< March 24, 2019 >>

Whit updated regarding B, C and D above:

B & D. There were questions raised by a couple of members of the Planning Board regarding the role of code enforcement and protocol for approving zoning permits when a business may be on a property. Whit reported, subsequent to that meeting, he researched applications and did find one that could well have been conducting a business, but he does not remember observing anything to indicate a business at the time the permit was approved.

C. The property owner on Four Corner’s Road has responded to the Board of Selectmen’s letter relative to the possibility of business being conducted at the residential property. The owner responded business is not being conducted there. The business is in Grantham. Whit stated he has been back to the site and there is no evidence that this is a place of business in the Town of Springfield.

The application to install a generator inside the fence at the tower on Oak Hill was approved. The location referenced the site plan and was shown on the plan they presented. He doesn’t know if they were referring to a site plan the town had approved or if the reference was to their own plans of the site. The tower precedes the zoning ordinance. He spoke to one of the installers there. American Towers owns the tower and there are at least 3 cell service providers the use the site. He has given them a heads up that they may need Site Plan Review by the Planning Board.

The Mullins application has been approved.

A zoning permit for the Grangers on Route 4A has lapsed. They have contacted him about renewal. There is a Conditional Use approved by the Planning Board. Determination needs to be made whether that lapsed or is it still in place.

At the March 21 Planning Board meeting, the Board agreed that a mini-split heat pump is not a structure, since normally these are not far from the house and often attached to the house.

Minutes of March 11, 2019: Tamara moved to accept as written, seconded by George, and unanimously approved.

Old Business:

Kennebec Lumber Update: An e-mail was received from Scott Piper. He reported several things were done Friday (3/22) on what they believe is the most offensive noise. There is also more to be done and a schedule will be developed to continue to minimize the noise issue. Olivia stated they have altered the fan so the high pitch squeal is no longer there, but the fan noise is still there and can be heard inside the house. She is concerned about the timeline and wonders if there can be something set in place with Kennebec because this has been going on for a long time. Dick reported a second resident has commented about the noise and some specific hours. He suggested tabling further discussion today to see what Scott has for ideas. In the meantime, he suggested Olivia maintain a log as to the times of day. Olivia stated the noise does not vary where they are and is constant 100% of the time. It sounds like a low-frequency drone.

Darrin Patten and Ken Jacques met with the Board to follow up with the discussion that took place at the Planning Board Meeting, on March 21. Darrin stated, over the years the Selectmen and the Planning Board have discussed many times how to enforce compliance with business use of a property. In Summer of 2016, the Selectmen decided when someone applied for a building permit, they would be required to obtain Site Plan Approval if they operate a business at their property, before any new building permit was granted. Applicants would be referred to the Planning Board for consultation. From that point several people were required to get a Special Exception and/or Site Plan Approval, but now it seems that is not happening. Ken stated there were many discussions with the Budget Committee and Selectmen in the process of creating a position for zoning compliance officer. It was the understanding that the person in the position would be a facilitator to help residents understand the process as well as be the "eyes and ears" for the Selectmen. If an application came before the Selectboard it would be referred to the Planning Board if it appeared a Site Plan or Special Exception were needed. That process does not seem to be taking place and it has come to their attention there may have been some permits that have been approved since 2016 without a Site Plan being obtained. They have no complaints toward Whit or how he is doing his job. He is a great asset to the Town. Ken stated they are interested to know if the process has changed, and if so, how has it changed. It was noted the Planning Board is in a good position to be involved in the process. In the past, Selectmen have been reluctant to go backward. Several years ago, there was an agreement between the Planning Board and Selectmen to send a letter to all residents, but that letter never went anywhere. The Zoning Ordinance states the Board of Selectmen are given authority to enforce compliance in the event that creditable evidence is made available to them. The Board needs to decide how to handle that process. A lengthy discussion followed, including whether to go back to that point in 2016 or beyond. Several suggestions were discussed as to communicating public awareness such as town-wide mailings, brochures, public meetings etc.

Dick noted it has been brought to the Selectboard's attention that there needs to be a process. He feels the process needs to be fundamentally fair for everyone. He suggested tabling any further discussion until the Board of Selectmen has an opportunity for a work session with Whit to work out details and develop a written procedure. Tamara stated the Zoning Permit application needs to be revised so the applicant is made aware of the requirement. The current application is misleading. Dick supports that. Whit recommended developing a letter to put the town on notice. Everyone gets a letter, and everyone has an opportunity to comply with a reasonable period. Dick stated the first order of business is to rework the zoning permit application. He recommended Whit continue the zoning permit approval process in the same way it is being done now, meeting and reviewing plans with applicants, and making recommendations to the Selectmen. If the request is questionable, Whit would then refer the applicant to the Selectboard for further review. George McCusker offered to accompany Whit on any site visit he would like. In the essence of time spent, further discussion was tabled at 5:40 p.m. The Board will schedule a time for a work session to further review this matter.

Health Officer: The Selectmen need to appoint a Health Officer. Tom Duling is no longer able to perform the duties. George nominated Ryan Peterson as Health Officer, second by Tamara and unanimously approved. George stated he has spoken to Bryan O'Day about being Deputy Health Officer. The Board will review with Ryan whether he feels he requires a deputy.

Loader: Dick reported a representative from Milton Cat was here last week and spent about three hours operating and inspecting the loader. Fluid samples have been taken and a report will be sent of his findings.

Beach Parking: Dick stated he met with Chief Tim and Sergeant Beaulieu about beach use and parking issues. They agreed to more committed patrols of the beach during the swimming season. They will review license plates and ask those who are not authorized users to leave. Permits and stickers will not be used at this time.

Fire Department: The Fire Department Tanker has been sold for \$4,000.

Tamara reported she received a request from the Power of Attorney of the former owner of 2262 Main Street requesting removal of some "family" items from the property. Tamara asked for a list which she has received and shared with the Board. The Board reviewed the list. George stated the former owner had been given ample notice and opportunity to remove personal possessions from the property. He is concerned about safety. They were also granted an additional visit after the property was vacated. Dick stated, however, her POA was not involved at that point. Tamara felt they should be allowed to retrieve the family/sentimental items on the list. Motion made by Dick to grant permission to retrieve the first 8 items on the list. The motion was seconded by Tamara with two in favor (Tamara and Dick) and one opposed (George). The Board agreed the former owner would be responsible for paying for police department services. Tamara will communicate the Board's decision.

George asked if it could be under Pete Abair's discretion to do the repairs on the skateboard park if he is able. Dick stated that Frank Sparrow has been hired to take care of this.

The Board approved Green-Up Day for May 4th. George stated he cannot be there to have the building unlocked. Dick will take care of it. George will make arrangements with Pete Abair to pick up the filled trash bags.

Dick reported Kevin Roberts looked at the leak at the library. No one else that had been contacted showed up. Kevin will follow up with Laura and the Library Trustees.

Planning Board: Janet reported the Planning Board requested the Selectboard write a letter to the Cunninghams (property owners) regarding a bill from Lou Caron for engineering review done at their property. The property owners met with the Board in consultation regarding subdivision of their property and at that time the board recommended contacting Mr. Caron. An inspection was done in October. The Town has paid the bill and at the Planning Board's direction, the bill was forwarded to the property owner. The property owner has contacted the office and does not feel they owe the bill. The property owner's concern is the Planning Board never told them the bill would be their responsibility and they do not agree with the amount of time the engineer billed for being at the property. The issues were addressed at the Planning Board meeting on March 21. The Planning Board agreed the bill was the Cunningham's responsibility and requested that the Selectboard send a letter accordingly.

Signatures:

Purchase orders approved and signed for budget appropriations

MS 232 approved and signed

Tax Exemptions approved and signed (2)

Employee wage change documents signed

The meeting adjourned at 6:35 p.m.

Submitted by

Janet Roberts

Administrative Assistant

SELECTBOARD

DEPARTMENT LIAISON – CONTACTS 2019

DICK HENDL - CHAIRMAN

**BUILDINGS AND GROUNDS
COMPUTERS/INTERNET
LIBRARY
POLICE
RECREATION COMMITTEE**

GEORGE MCCUSKER – VICE CHAIRMAN

**CEMETERY
CONSERVATION COMMISSION
HEALTH
HIGHWAY DEPARTMENT
PLANNING BOARD
ZONING BOARD**

TAMARA BUTCHER

**BUDGET COMMITTEE
EMERGENCY MANAGEMENT/SAFETY
FIRE AND RESCUE
PERSONNEL ADMINISTRATION**