

## **BOARD OF SELECTMEN**

**MAY 13, 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: Dick Hendl, Chairman; Tamara Butcher, and George McCusker.

Others present: Whit Smith, Leigh Callaway, Marla Binzel, Jim Bednar, Don Hill, Annette Granger, and Mike Lawlor.

### **Charitable Trust:**

Leigh reported \$127.00 received in donations. Motion made by Tamara to accept the \$127.00 to the 250<sup>th</sup> Charitable Trust, seconded by George and unanimously approved.

Leigh noted an anonymous donor wants to donate some stock to the 250<sup>th</sup>. The committee is in the process of redeeming the stock. The donor wants to donate stock before it is sold so as not to incur capital gains taxes. Don reported the stock would be approximately 7 shares of Johnson & Johnson stock, worth approximately \$1,000. Tamara moved to accept the gift of the Johnson & Johnson stock. Motion seconded by Dick and unanimously approved.

### **Historical:**

Jim Bednar shared a copy of the design for the plaque the Historical Society is donating for the recognition of the Town Meetinghouse on the National Historic Register. The plaque will be placed between the two outside doors. George moved to accept the plaque, seconded by Tamara and unanimously approved.

### **Conservation Commission:**

Marla Binzel shared an outline Bruce Allen, Chair of the Conservation Commission drafted regarding clean-up and possible improvements for Collins Park. Following a meeting with the 250<sup>th</sup> Committee, the Conservation Commission unanimously approved taking the lead in clean-up of the Collins Park area. They plan to start removing brush and improve the line of sight to Main Street. There is a possibility the brush can be burned instead of chipped. The Midgett's attended the CC meeting, noting their concern with burning in relation to their property and location of propane tanks. Perhaps the Fire Department would be willing to oversee the burn. Immediate clean-up is to spruce up the area before Old Home Day. The Commission is comfortable in terms of manpower to get that done. Removal of hazardous trees, small understory trees and other species (ash) maintaining longer living trees (maple and red oak) will be done when the ground is frozen. Volunteers are willing to donate tractors with winches for the work. Other future activities discussed are the addition of a picnic table, walking paths, bridges from the Meetinghouse to the Grist Mill site, and stairs up to Main Street.

Dick asked if any of the work around the stream required permitting from the DES. Marla stated they prefer to do larger tree removal in the winter to prevent destabilization of the embankment

and mill site. Permits are not required for bridges if they are installed bank to bank. The Commission spoke about seeking assistance from the snowmobile club since they are familiar with bridge building. Dick also questioned if there is a plan for the number of years these projects may take. She does not see anything happening with bridges until next year, but she will talk the Committee.

Dick asked if at some point the Commission would come to the town for funding for these projects. Marla noted up to the point of the small bridges, the needs can probably be funded. Building larger bridges or stairs may require funds from the town or fundraising if there is enough interest. Jim Bednar stated there are no plans to expend town funds on this project. The Historical Society would be interested in donating signs.

Dick addressed his concern with creating a project that leaves a future expense to the town. Marla stated the park has not been maintained for quite some time. Volunteers have come forward to clean it up. This has been something the Commission has talked even before the meeting with the 250<sup>th</sup>. Don stated the 250<sup>th</sup> would be ok if the clean-up for Old Home Day is where it stops.

Marla also spoke to removal of invasive species, which the Commission is interested in also. She has been taking courses to obtain a commercial pesticide license. The State has created a process where municipal employees, elected or appointed members can become licensed to apply on municipal property only, not commercially for hire. She is taking the courses and is applying for the exams and oral boards. The Commission has set up a sub-committee for invasive species. Application of pesticides would only be used as a last-resort and requires approval from the Conservation Commission, and the State, and then would go to the Board of Selectmen for authorization. Applications near water require additional permits. Marla asked the Board to acknowledge that she is willing to take the exam. Marla has taken on the costs of the training and licensing herself and is not seeking any reimbursement. The Board agreed to grant Marla approval to take the exam. George signed the form.

#### Cemetery:

Annette Granger, Cemetery Commission Chair stated Curtis Huff has asked whether he can use his own tractor to move material around in the cemetery. George stated, currently he uses a little dump trailer towed behind the mower and he thought it would be easier to use his own tractor. George noted his concern with putting gas in a private mower. The Board discussed liability concerns. Dick suggesting thanking Curtis for his generosity, but at least temporarily, the Board would not approve. He recommended George speak to Peter and if Pete thinks there is an overwhelming advantage for a tractor to be used, then it will be looked into.

The man from Gravestone Services of NE would like permission to bring his camper to stay in for a couple of nights when he comes to do the work on the stones, so he doesn't have to commute. It would probably only be a night or two as the funds limit the amount of work to be done. After discussion, a motion was made by George to allow him to camp a maximum of three

nights. Motion seconded by Tamara and unanimously approved. His certificate of liability insurance has been received.

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, May 13, 2019. Here is a summary of permit applications and Zoning Coordinator activity.

Application for Permit – Acted Upon, APPROVED

NONE.

Applications Received, But NOT Acted Upon.

1. Dave Hausmann 323 Messer Hill Road; Application to place or install patio and front walk. Zoning Coordinator has visited the property. There is no Home Business or Commercial Activity. No setback or wetlands issues. Proposed structure to be less than 35' tall. Recommend Approval.

2. Annette and William Granger 2711 Route 4A; Application for additional living space and deck on the back of manufactured house that will encroach into the McDaniel's Marsh buffer. This application (and Conditional Use permit) was previously approved but expired due to passage of time (2.5 years) and project never started. Matter has been referred to Planning Board for hearing on Conditional Use (expansion of existing structure in Wetlands buffer).

3. Troy Denney 444 Sanborn Hill Road; Application to build or place a shed. Zoning Coordinator has visited the property. No setback or wetlands issues. Proposed structure to be less than 35' tall. Recommend Approval.

However, Zoning Coordinator will speak with property owner regarding Home Business (Painter) activity. There is no heavy equipment on the property; no signage. It is known that Mr. Denney is self-employed as a painter. All of Mr. Denney's income producing activity is conducted off-site. Home Occupation or Home Business?

4. Bill Hester 185 Town Farm Road; application to build a three-car garage. Zoning Coordinator has visited the property. No setback issues. Proposed structure to be less than 35' tall. Unfortunately, the buildable area on the lot is surrounded by Designated Wetlands. Accordingly, virtually all of the buildable area is in the 100' buffer. Mr. Hester has been referred to the Zoning Board of Adjustment to request relief from the restriction of building the proposed structure within the wetlands buffer.

Other Matters.

A. Met again with Mr./Mrs Twombly Twin Lakes Villa regarding plan to build a garage that will encroach into the side yard setback. Located lot line and measured. Property Owner(s) referred to the ZBA to seek relief through a variance.

B. Work Session – Permit Application; Noise on Rte. 4A All sorts of work reviewing/revising zoning permit application and process following “work session” of Board of Selectmen to review current process for Zoning Application. Invite Selectman McCusker to accompany Zoning Coordinator to all site visits and meetings with property owners. Work to prep final first draft of tri-fold brochure.

C. Terri Gerard Further inquiry from property owner on Sugar House Road who would like to put a porch with roof on the back of house that may encroach into 35’ rear setback. Meeting prep application for Variance; review partial survey prepared by Clayton Platt.

D. Cory Swenson – Site Plan Review prep; Scheduled for June PB/ZBA joint meeting. Have spoken to Claudia Swenson, trustee for the Robert Lane Trust, which actually owns the property.

E. Photographs of properties with more than three (3) abandoned unregistered vehicles (Junk Yard) were forwarded for review and appropriate official action.

F. Re-Visit various properties around town to confirm construction (in progress or complete) complies with the drawings, diagrams, representations contained zoning permit materials.

G. Attend meeting of Zoning Board. St.Cyr application for garage addition w/ bedroom; owner’s agent regarding relief from setback to place a garage on property (Main Street near Lake Kolelemook) closer than 35’ to the road (inside the setback requirement). Application for Variance received for hearing by the Zoning Board of Adjustment scheduled for May 7, 2019. f/u with agent regarding width of drive at entry to garage.

H. Inquiry from property owner on Kings Highway regarding construction of a rustic dwelling.

I. Inquiry from potential property owner regarding establishment of dog (pet) sitting business. Referred to PB for consultation.

J. telecon with LaCaillade re Commercial Activity on property.

K. Plan on joint PB/ZBA meetings for Commercial Activity reviews – June, July, August.

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Whit reported the former owner of Terri Gerard’s house built too close to the lot line and the 35’ setback runs through a corner of her house and garage. There was discussion regarding an Equitable Waiver to correct the error that existed before she bought the property. Terri wishes to tear off the existing deck and replace it with a covered porch to protect from snow coming off her house roof. The lot line has been identified by a surveyor. She will be applying for a Variance and will reference an equitable waiver to existing structure for the corner of the garage.

Whit met with Peter LaCaillade in preparation for a hearing with Planning and Zoning on June 20<sup>th</sup>. Corey Swenson and Jason Patten are also in process of preparing for a hearing.

Whit is in the process of developing a process for preparation of applications and protocol at meetings so these hearings can be handled uniformly by both Boards within a 30-minute time frame.

Applications have been to the site and reviewed applications for David Hausmann for a front walk and patio. There is no business being operated on. He recommended approval. The application was signed.

Troy Denney applied for a shed. George and Whit have both been there. The location of the shed is fine. Mr. Denney is a painter. He does not have heavy equipment, no signage, no employees and travels off site for all his work. It appears this is a home occupation versus a home business.

Whit will consult with the Planning Board for clarification and guidance regarding carpenters, plumbers, electricians, and painters who all do their work off-site, don't have employees, or heavy equipment.

Minutes of April 22, and April 24, 2019: Tamara moved to accept minutes from both meetings, as written. Motion was seconded by George and unanimously approved.

#### Old Business:

##### Meetinghouse Boiler:

Dick received an e-mail from Mason regarding the status of the boiler for the second story of the meetinghouse. The Board agreed to tell Mason to go ahead with the project. The funds were encumbered from 2018.

##### 2262 Main Street:

The Board reviewed the bid of \$17,900.00 from NH Demolition for demolition and site clean-up at 2262 Main Street. Tamara stated they will do an asbestos survey before they send the contract. She was told to contact the company around the end of May for a June demo. She has been asked to see if there may be someone willing to purchase the vehicles. The Board agreed. She will investigate. The septic will need to be pumped before the company begins.

George stated he felt this is an incredible amount of money and he cannot go along with that. Dick stated there is an incredible amount of liability here and once the contract is signed, all the responsibility is on the demolition company. \$10,000 was set aside in the budget, and he has identified other areas where costs could be offset. Whit suggested the property might be auctioned to recoup some of the costs. There was limited discussion regarding a plan to sell or not. Tamara moved to hire NH Demolition to clean-up and remove debris at 2262 Main Street. The motion was seconded by Dick. Two voted in favor (Tamara and Dick) and one opposed (George).

**Sand Shed Site Plan:**

Dick reported Lou Caron has reviewed the RFP and walked the property with Peter Abair, Darrin Patten and himself. Lou reviewed the plans from Jeff Evans and was concerned the plans need to include more drainage, buffering, and details of work to be done. Lou will work with Jeff Evans for a site plan that shows the situation now, and how the site is to be finished when the work is complete. Lou will modify the RFP to reflect those changes. Motion made by Dick to give Lou permission to proceed for the best outcome of the town, and to get the RFP out on the street as soon as possible. Motion seconded by Tamara and unanimously approved.

**Beach Sand Replacement:**

Dick noted the status of beach sand or a perched beach has been discussed many times, and attempts to get the pole moved, even with the help from Senator Ruth Ward have failed. There have been many comments about the beach and asked if the Board wished to proceed with sand replacement. Tamara moved to approve Pierre to proceed with the beach sand application permits. Motion seconded by George and unanimously approved.

**Draft Documents:**

The drafts of the non-compliance letters Dick drafted as well as the changes to the Zoning Permit Application and fee structure were reviewed and discussed. The letters are ready to be used on a case by case basis. A few edits were made to the application and fee structure. Dick will make those changes and send a new version for review. Whit stated the increased vigilance on the part of the Board has gained a lot of traction with inquiries as to compliance. The Board agreed the tri-fold brochure Whit drafted is ready to go. Whit will pass the above documents by the Planning Board at their meeting on May 16<sup>th</sup>. Dick will take the brochure to New London Copy Center for estimate for printing.

**Kennebec Update:**

Dick reported e-mails he has sent to Mr. Carrier have gone unanswered. He has been to 4A on three separate occurrences. Twice between 2 and 3 o'clock and once around 6. He did not go up to Olivia's house. At road level the noise was 28 to 47 unless a truck went by. Halfway in the driveway the noise was 2 to 3 decibels higher and in the evening the noise never got above 48. Gusts of wind contributed to changes in the readings. He stated he received an e-mail from Olivia who got readings of 55 decibels last night and was about the same this morning. The Board discussed, prior to the meeting with George and Dennis the noise was higher, but then the noise decreased for a short while. If the noise is higher, then something has happened to change that. Dick stated he will get back to Olivia and will try again to contact Mr. Carrier. He is hoping something can be done to mitigate this issue.

**Meetinghouse fees:**

Dick shared information regarding fees to rent the Town Meetinghouse. Recently, he was talking to Marie and she reported after the building is rented for a private event, she often must touch it up and has not been charging the town for it. Dick wondered about increasing the fee especially if the building is going to be heated year-round. After discussion, the Board agreed to

keep the same fees. If the building is not being left in satisfactory condition, the deposit or a part of it should be retained. The Board encouraged Marie to charge for the time she works.

Board and Department Updates:

Conservation Commission: George stated he does not like the idea of volunteers using chainsaws in Collins Park due to liability issues. The land is not a forest to be maintained for logging. It is a town park managed under buildings and grounds. He prefers that the highway department take the trees down. He noted his concern with volunteers using saws, tractors, and winches.

Dick reported the Friends of the Library are purchasing an audio system for the use of the town. Dick suggested they consider one that could be used outdoors and indoors.

Happy Callaway would like to step down as a Library Trustee Alternate. If anyone is interested, they are encouraged to call Laura Pauling.

Dick thanked the Highway Department for removing the second Library sign from the Historical Society grounds, and Tamara for securing the new location at the corner of George Hill Road.

The Library and the Historical Society are having problems with carpenter ants. Dick would like to contact Fowler for a consult. All members agreed.

Signatures:

Abatement recommendations from Assessor, George Hildum for Jenkins and Glasscock were reviewed and signed.

The Board agreed to hold their next meeting on Tuesday, May 28, at 4:00 p.m. due to the Memorial Day Holiday.

The meeting adjourned at 6:20 p.m.

Submitted by,

Janet Roberts,  
Administrative Assistant