

**BOARD OF SELECTMEN**

**JUNE 24, 2019**

**MEMORIAL BUILDING**

**4:00 P.M.**

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

The meeting 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, Mike Lawlor, Andy D'Amico, Brooks and Olivia Weathers, and Ryan Peterson.

There were no donations to report for the 250<sup>th</sup>.

The Board unanimously approved the donation of \$500.00 worth of Bark Mulch from MSI Energy. (A division of Durgin & Crowell).

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, June 24, 2019. Here is a summary of permit applications and Zoning Coordinator activity.

Application for Permit – Acted Upon, APPROVED

1. William Ellis, 3900 Main Street. Application to add outdoor 60 sq. ft. covered run to chicken coop. This matter previously discussed with BOS at June 10 meeting. There are no wetlands issues; no setback issues and the chicken run will be less than 35' tall. Zoning Coordinator has visited the property to confirm that there is no home business or commercial activity. Zoning Permit Approved pursuant to delegation of authority.

2. Warren George; application to build/place a 12' x 20' shed in the backyard. No setback issues, no wetlands issues. Zoning Coordinator visited the site and measured the distance to lot line with the applicant. Note: Mr. George does have a trash pickup business from this location, and he did ask about what was going on in the town with respect to business/commercial activity being reviewed by land use boards. Mr. George was advised that it would necessary for him to consult with the Planning Board. He responded saying he might quit the business. His son, who was present during the conversation said he had no interest in picking up trash. Zoning Permit for the shed Approved pursuant to delegation of authority.

3. Josh McGraw; 679 Old Grafton Road (Class VI). Two applications: (1) for a 14' x 14' woodshed and (2) for 10' x 16' screened porch and 10' x 10' addition to cabin. No set back issues. No wetlands issues. Structure all less than 35' tall. Since this application involves an addition to residence, applicant will be advised that he must sign, and record updated Notice and Waiver of Liability for residence on Class VI road. Zoning Permits for the shed and residence additions Approved pursuant to delegation of authority.

4. Ty and Samantha Morris; 235 Bowman Road. Application to build a year-round residence. Plans submitted. Driveway permit issued; Septic plan approved. There is a non-designated wetlands stream running through the property, which will be channeled through a culvert under the driveway. Applicant advised to obtain DES approval for placement of a culvert during construction of the driveway. No set back issue; structure will be less than 35' tall. Applicant was advised any additional building – such as garage, deck or porch – may require a supplemental zoning permit issued BEFORE beginning any such additional project(s). Zoning Permit Approved pursuant to delegation of authority.

Applications Received, But NOT Acted Upon.

None.

Other Matters.

A. Inquiry as to whether a zoning permit is required for a “bob house.” Responded to question:

“Interesting question. By “bob house” ... assume you are referring to a fishing hut or shanty.

“Use of bob houses is regulated by the NH DES. Specifically, there are regulations addressing when such structures can go out on the ice and when they must be brought in. Also, there are rules allowing DES officers to investigate and search inside such structures based on probable cause (no warrant necessary).

“...when a bob house is out on the ice a zoning permit is not required. However, for a bob house that is placed on a lot and is used for other things - such as storage like a shed, a zoning permit would be required.

“Note - that when a bob house is stored on a seasonal based, perhaps on a trailer and off to the side or back of a lot, and does not have any other use, Springfield has not required a zoning permit.

B. Prep for first in a series of monthly joint Planning Board and Zoning Board of Adjustment meeting to consider applications by property owners for Site Plans and Special Exceptions for operation of Commercial Activity on properties zoned as “rural residential” under the Zoning Ordinance.

C. Attended joint meeting of Planning Board and Zoning Board of Adjustment.

D. Consultation with Property Owner regarding the establishment of a licensed brewery on Cemetery Road.

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Whit reported the joint hearing with Planning and Zoning went reasonably. Peter Lacaillade was continued to June 20<sup>th</sup> to work out some details on the site plan, Jason Patten was granted approval by both Boards. There are some details that need to be worked out for Cory Swenson. His hearing with the ZBA was continued to July 2, and to June 20 for Planning.

Going forward the routine will most likely be one or two hearings per meeting, catching up with some stragglers by the end of the year. He has heard from some who question the significance of the square footage requirement for home business versus home occupation. Their use of the property follows Home Occupation, except for square footage.

Dick stated it is time to start sending letters to those identified for the next round of applications. Dick asked George to work with Whit and Janet to put this together. Whit stated he has been trying to meet with people face to face and has about a half-dozen people "on deck" to come forward. George stated he has no problem working with Whit but would prefer not to be the one to sign the letters as he is a member of the Planning Board as well.

Dick reported he has gotten two quotes for the tri-fold brochure; NL Copy Service for 250 up to 2000 copies at .70 per copy (\$175.00 for 250 copies) Echo Communications would be \$191.00 for 250 copies, with 167 of those folded, boxed and ready to go. Whit will get a quote from Staples.

Dick introduced Mark Gilbert, VP of Strategic Initiatives for Kennebec Lumber. Dick asked the neighbors of Kennebec to introduce themselves, Mike Lawlor, Andy D'Amico, Brooks and Olivia Weathers, and Ryan Peterson and Whit Smith, Zoning Coordinator for the Town.

Mark Gilbert stated Kennebec's goal was to grow the business and expand from Maine into NH. Evarts Mill became available and was a good choice for Kennebec. Kennebec processes red oak, and "white woods" i.e. white maple, birch etc., which dry differently. Red oak takes 30 to 35 days to kiln dry, white wood takes 10 to 14. White wood must be dried to a certain percentage within 3 days. The fan noises that are being heard are from the white wood kilns. The fans run at 100% capacity at 60 Hz with 400' of airflow per minute. Less than that causes staining to the wood. Red oak fans do not exceed 300' per minute. Evaluations have been done at the site to understand the noises. The oldest kilns, kilns 1 and 2 were found to have some bearing failures. Motors and pulleys have been changed. The work was done roughly 3 months ago and following that the noise dropped 10 decibels to 18. Additional evaluations were done for 6 weeks with data collected from several spots in front of each kiln while running and on the road. The kilns were all turned off and then restarted one at a time at 60Hz. Kilns 1 and 2 did not read at the road, 2, 3, 5, and 6 did read. 3 and 4 were the loudest by about 5 decibels. The decibels at the kilns were 78 to 85, near the drying sheds 58 to 65, and at the road 48 to 51. Mark stated Kennebec is not making more noise than when the business began in 1985. They process less wood than Evarts when he was in operating.

Olivia Weathers stated the decibel level at her house is 60 Db where the house sits and is constant. She encouraged Mark to take readings at her house.

Ryan Peterson stated a friend bought abutting property. Standing at the bridge on Town Farm Road it is much quieter than 100 yards away on his friend's property. The noise is quieter at lower elevations, but louder further away and at higher elevations.

Olivia stated something has changed since George owned the mill. The noise was never as bad as it has been since Kennebec took ownership. Mark stated that nothing changed.

Brooks Weathers stated he is the procurement person for Durgin and Crowell for the past 22 years and is an avid supporter of the industry. He appreciates the time and effort Dennis has put into the noise issue, but it is important for Dennis and George to realize at the end of the day they get to head back to their homes while abutters and townspeople here on a full-time basis are left with the noise. Something other than fixing a few bearings that needed fixing had to have taken place to increase the noise. Mark stated the fan pitch had been changed in 2 fans but has been put back to where they were when George was operating.

Mark stated the oldest kilns are nearing the ends of their life span. These kilns are quieter than new kilns are. New kilns have power vent systems and it would not behoove the neighborhood to have those type of kilns.

Andy D'Amico stated he lives 4/10 of a mile from the plant. Most of the noise goes overhead his property. He has noticed as he walks further from his house, but at higher elevations the noise is louder. He questioned how many fans ran at one time? Mark stated it depends on the dimension of the kilns and the airflow required. Fans cannot be added to a kiln. Andy questioned if adding some acoustical material on the inside of the kilns to absorb noise could be done. He suggested something to deflect the noise and prohibit it from traveling. The noise is not affecting them, but he feels for his neighbors. He noted the Town has dealt with noise issues in the past, but a noise ordinance has never gotten support from the voters. He drafted a proposal which he read for the minutes: His proposal follows:

*“Proposal: that the Select Board request the Planning board draft an ordinance that will layout the parameters of noise including the parameters that cause the noise to become obnoxious. The ordinance will list exemptions to this ordinance.*

*It is also proposed that the Select Board request the Planning Board draft an ordinance that sets when an entity whose business generates noise can operate. This ordinance will dictate times of day for operation. It is reasonable in a residential district that the times of business begin as early as 6 am but end at 5 pm.” Andy D'Amico 6/24/2019*

Tamara stated this is a Planning Board issue. They handle changes to the Zoning Ordinance. Dick asked Andy to take the lead and go to the Planning Board with his proposal.

Mike Lawlor asked if Evarts dried Oak or Maple or did they also dry Pine? He notices the number of trucks that come in and out is down substantially. Mark stated that George's core business was oak and hardwoods.

Mark stated Kennebec wants to be successful with their relationship with the town and the neighborhood. Right now, the red oak market is the worst it has been since 2008. Mark suggested there might be federal grant money the Planning Board and Select Board could seek that could be used to assist them with the noise issues.

Whit Smith, as the Zoning Coordinator, stated he would like an invitation to visit the plant to familiarize himself with the layout of the kilns and have a better understanding of what takes place there. Whit provided a brief background of his experience. Mark stated he had no problem with setting up a site visit for the Selectmen and the neighbors to visit the property. He explained there is at least one white wood kiln operating at a time, but they are never in a situation to run 6 red oak kilns at once. George ran more white woods and processed more lumber than Kennebec does, so he can't understand how the noise has increased.

There was discussion regarding deterioration of the metals in the fan or kilns, or the possibility of deterioration in the insulation creating a decrease in the sound protection. Mark stated there could be deterioration, but it likely does not result in a large increase in decibels. He could do some infrared testing but in the current market it is not fiscally reasonable for Kennebec to be able to make a lot of changes at this point.

Andy asked if any more kilns are planned? Mark stated their business model is to grow. It is probable they would either replace or add kilns. Kilns 1, 2, and 3 are the most inefficient but are the quietest. They do add cost to the plant due to their inefficiency. They are less noisy because their maximum fan speed is 300' per minute.

George McCusker asked if the numbers of wood species is the same throughout the year. Mark stated red oak can sit longer without harm, but they must be more aggressive with white woods. In the Spring and Summer, they flip logs every two weeks. After 3 to 4 days, the noise from drying the white wood should be neutral.

Olivia stated for 14 years there have been no problems but since Kennebec took over there has been a difference.

Mark stated it is not their intent to be bad neighbors. Whit stated what he is hearing is that the noise is too loud and happens 24 hours per day and is getting on the nerves of neighbors. He would like to find a way to be helpful to Kennebec and the neighbors and to explore opportunities to proactively make this better and find solutions that fit within the Kennebec business model. Mark stated he will be renting a sophisticated piece of equipment that will analyze sound and determine what it is and when it happens, which can't be done now if he doesn't know when and what. Olivia asked if they would be doing higher evaluation testing. The problem occurs outside of the property. Mark stated he is hesitant to take the equipment off site. Mark will look at George's history of drying for the last two years, the percentage of species and the kiln schedules and will send the information to Dick. He will also some available dates for a site visit. The meeting with Mark ended. Dick thanked Mark for his time.

Whit noted Town Counsel has the authority to request the records from George. The noise is louder than it was before and accurate information should be made available. Dick stated he is reluctant to spend money on legal counsel at this point. He would like to see what Mark comes up with. From what he has heard from town counsel regarding this issue, the town does not really have a legal leg to stand on in this matter. It is frustrating for everyone, and he hopes it can be resolved satisfactorily.

Minutes of June 10, 2019: George moved to approve as written, seconded by Tamara and unanimously approved.

Old Business:

The Board reviewed and discussed the Certification Fee of \$2,500 for the Bond. The firm has invited a counteroffer. Motion made by Dick to pay \$500.00, seconded by Tamara and unanimously approved. The process was over and above what the bank required to secure the loan, and the cost was a complete surprise to the Select Board.

Tamara reported the Main Street property has essentially been cleaned up. There are some tires left to be disposed of. Dick thanked Tamara for taking the lead in the cleanup.

Dick reported Frank Sparrow is working out a schedule for repairs at the Skate Park and promises to be done before Old Home Day.

Dick reported many people have voiced concern with what is taking place at Mr. Pratt's property. He has contacted Senator Ward who is looking into the status at DES. Others have written to the DES as well. Members of the Lake Association will also be sending letters.

Both bulletin boards have been installed. The Board extended appreciation to all involved.

The Board reviewed and signed the denial of the abatement request from Eversource.

A request has been received to waive the inventory penalty due to misfortune for M. McMahon due to illness. Tamara moved to waive the penalty, seconded by Dick and unanimously approved.

Board and Department Updates:

George noted Whit had reported on Planning and Zoning. He thought the hearings went well considering this was the first round.

The Conservation Commission has been hard at work clearing brush from Collins Park. Pete was able to chip the brush.

Dick stated the Certificate of Insurance has been received from Yankee Power Wash. The buildings are scheduled to be washed by the weekend of the 6<sup>th</sup> and 7<sup>th</sup>.

He will attend the Library Trustee Meeting tomorrow.

Dale Milne has been in contact with the gravestone repair person. They are not sure when he is scheduled to do the work.

Signatures:

Yield Tax assessment.

Intent to Cut Timber

Miscellaneous Business:

Dick noted about six months ago the Select Board had discussed that a non-town sponsored organization could post on the bulletin board. The Lake Association is not town sponsored and he feels they should not be allowed to post. The Town is involved with the Garden Club and buys mulch for their needs.

George stated he did not think the \$400.00 for the lettering and decals on the V-Plow should be charged to the Highway Budget. He would like to see it go to the 250<sup>th</sup> or buildings and grounds as the Highway has enough expenses of their own. Dick noted concern that the buildings and grounds budget is going to be over for the extra work that is being done. It was agreed if the Highway budget gets overspent the Board will reassess where the money should come from.

The meeting adjourned at 5:56 p.m.

Submitted by,

Janet Roberts,  
Administrative Assistant