

## **BOARD OF SELECTMEN**

**JULY 8, 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, Leigh Callaway.

Leigh Callaway reported there were two checks inadvertently made out to the Town of Springfield, instead of the 250<sup>th</sup> for merchandise sold. Check # 1558 for \$48.00 for t-shirts and check # 1540 for \$20.00 for a commemorative license plate. Tamara moved to approve that check # 1558 and 1540 be deposited in the 250<sup>th</sup> account, and to accept the donation of \$68.00. Motion seconded by George and unanimously approved.

Leigh extended compliments to the Select Board for taking care of washing the buildings and for getting repairs done to the skatepark in time for Old Home Day.

Leigh has volunteered to mow at the Messer Hill Cemetery on a volunteer basis. He used to do that for Frank. He has an umbrella policy on his personal insurance. He would like to continue to do so. A Certificate of his insurance has been received. Tamara moved to allow Leigh to mow at the Messer Hill Cemetery on a volunteer basis. Motion seconded by George and unanimously approved.

Leonard and Sharon Jenkins arrived a few minutes after the meeting started. They are not happy the assessment on property they purchased (October 2018) tripled just before the purchase was complete and that the assessment is retroactive to April 1. The property is on a Class VI Road, (Pettengill Road) 3/10 of a mile from George Hill. The former owner's assessment was \$52,500. They paid \$160,000 for the property. They do not agree with the increased assessment. They stated over 40 acres of the land is "swamp". They also feel the sheds on the property are assessed too high. One is a deer blind they must climb up to get into, built out of old wood and telephone poles. There are ponds on the property, but they dry up in the summer. They said before they closed, someone told them the taxes would not change. Their tax bill was much higher than they expected so they requested the former owner pay them an additional amount. That has been taken care of. They have spoken with the Town's assessor. He told them the assessment went up because it was determined the road was Class VI. Mrs. Jenkins stated the former owner told them the road had always been Class VI since 1892 and the road had been reviewed again in the 1960's. They also talked to the assessor about the taxes. At his recommendation, they filed for an "amendment" (abatement) which was denied. The Board reviewed their assessment and abatement denial. Tamara stated the records of the Town were incomplete as to the Class VI status of the entire length of Pettengill Road. The Town did not have the information the former owner of their property seemed to have. The Select Board, having received repeated inquiries from an abutting landowner about the road hired a surveyor to look into it. The surveyor

determined the last portion of the road which previously did not show Class VI access all the way to their property was Class VI. The Select Board accepted the surveyor's findings and the status of the road was corrected. This resulted in the change in assessment. It appears the change in status was corrected on the property card just before the Jenkins completed their purchase. Tamara stated the status of the road had been researched thoroughly and no information was found in the records in the office until the surveyor completed his research early in 2018. The former owner's assessment did not include Class VI access all the way to the property. The assessment would have changed no matter who owned the property. The change in the assessment had nothing to do with the purchase price. Dick and Tamara reviewed options with the Jenkins. They suggested tearing the sheds down and consider putting some of the land in current use to reduce taxes. Mrs. Jenkins stated the taxes are still going to be too high, even with current use. They want to be able to build but are concerned adding a structure to the assessment will still be too high, plus the expense of building and installing utilities off a Class VI Road. Mrs., Jenkins stated they have spoken with Sam Greene at the Department of Revenue about their assessment. He talked to them about current use. She noted they have concerns with what limitations there may be with current use. Tamara suggested they consider at least enrolling the 40 acres of "swamp" land. Dick asked why they are reluctant to consider current use, and suggested current use seems to be the prudent thing to do if they want to reduce their assessment. The Jenkins noted they still do not agree that their assessment should have increased so much. Mr. Jenkins stated he may need to hire a lawyer to get this resolved. Dick told the Jenkins the denial letter provides information about the process to follow if they did not agree with it. He told them they can follow that process or put some of the land in current use.

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, July 8, 2019.  
Here is a summary of permit applications and Zoning Coordinator activity.

Application for Permit – Acted Upon, APPROVED

1. Tim Berns, 76 Nichols Hill Rd. Application to build additional garage space on existing concrete parking area adjacent to exiting garage. Zoning Coordinator has been out to the site. There are no wetlands issues; no setback issues and the garage addition will be less than 35' tall. Mr. Berns is engaged in business activity. He will be advised to consult with the Planning Board. Zoning Permit Approved pursuant to delegation of authority.
2. Exit 12A Storage, 381 Georges Mills Rd. Application(s) to build/place two (2) additional storage units on the lot. Applicant is engaged in commercial activity and is operating with an approved site plan. The lot is also under a Special Exception to the Town Zoning Ordinance, granted at the time of sub-division. The two (2) additional storage units are depicted on the approved site plan. No setback issues, no wetlands issues. The structures will be less than 35' tall. Zoning Permit for the shed Approved pursuant to delegation of authority.
3. Terri Gerard, 61 Sugar House Rd. Application to build porch with roof off the back of her house. The entire porch will be within the 35' setback from the rear property line. When the house was built it was positioned too close to the property line by the prior owner. There was

a large deck behind the house, entirely within the setback. The size of the deck was considerably larger than the porch that applicant wants to have built. The matter was heard by the Zoning Board of Adjustment (Application for a Variance) and the ZBA noted mitigating circumstances and hardship. The “replacement structure” is smaller than the one being removed. Variance for porch with roof granted. There are no wetlands issues. The structure will be less than 35’ tall. Zoning Permit for the porch with roof Approved pursuant to delegation of authority.

Applications Received, But NOT Acted Upon.

4. Tonya and José Suarez, 108 Sanborn Hill Rd. Application(s) for addition to kitchen (“bump out”) and deck; and garage. Zoning coordinator has discussed the matter with Mrs. Suarez; appointment scheduled to meet with applicant.

Other Matters.

A. Preparation of brief to the Zoning Board of Adjustment Chair Chiarella regarding new procedural requirement for consistency in voting by the ZBA. This also follows a written summary of terms in the Zoning Ordinance regarding occupation, business and commercial or industrial activity.

B. Attended Zoning Board of Adjustment meeting on Application for Special Exception regarding property on Sanborn Hill Road owned by the Robert H. Lane Trust. Matter was Dismissed for not having proper signature on the documents. (Trustee refused to authorize Cory Swenson as Agent and Trustee had not signed the documents.)

C. Consultation with Keith Cutting as to whether a fabric cover over tomato garden supported by metal framing constitutes a “structure” under the zoning ordinance. Mr. Cutting also agreed to meet with the Planning Board for consultation regarding his agricultural pursuits to determine whether a site plan may be required.

D. Meeting with property owner (Stoney Brook Road) to discuss primary dwelling unit with a proposed accessory dwelling unit in compliance with the zoning ordinance and the need to obtain a conditional use permit from the Planning Board.

E. Telephone calls, conversations and emails with various folks regarding the need for alternates for both the Zoning Board of Adjustment and the Planning Board.

F. Follow-ups on projects completed; schedule appointments to visit and review projects now complete or nearing completion.

Whit reported he will be meeting with the Suarez's tomorrow to confirm measurements.

There are new requirements for voting in a Zoning Board case that changed effective July 1, 2019. This will require the ZBA to determine which process they wish to follow and then amend their rules of procedure. He will be working with the ZBA to make recommendations as to how to amend the procedure. A 60-day notice needs to be provided of the changes.

Keith Cutting spoke to Whit about whether a high-tunnel greenhouse is considered a structure. Whit recommended Keith consult with the Planning Board. Agricultural is a permitted use in town but that does not excuse someone from needing a Site Plan Review.

Regarding item D above Whit reported the lot in question is undeveloped that has been on the market and has not sold. The owner is proposing a residential dwelling with an Accessory Dwelling Unit. He is an insurance adjuster/consultant with a home occupation. Through Whit's conversation with him, he discovered the limits of the internet service on Stoney Brook Road, so he was going to review his options since he needs a large amount of bandwidth for his job. Whit provided him with requirements for Conditional Use approval for an ADU.

Dick asked how the conversations with home business/commercial use people is going. Whit stated most people don't know what is required of them or they are not aware of how Site Plan or Special Exceptions protect them from neighborhood complaints. People he has spoken with agree the conversation has validity and some of those he has met with are coming forward. Whit is trying to pick an order of how hearings proceed. One or two hearings a month seems to be a good fit when Site Plan and Special Exceptions are required.

Brochures: Whit reported he purchased some 85# card stock to try. He will print a copy of the brochure and leave it at the office.

Minutes of June 24, 2019: Motion by George to approve as written, seconded by Tamara. For the record, Dick wanted to be sure it was noted the June 24<sup>th</sup> minutes exceeded expectations and accurately showed the complexity of the meeting that took place. The minutes were unanimously approved.

Tamara reported the tires without wheels from 2262 Main Street were taken to the transfer station. The ones with wheels can be taken to Sarge's Garage. Darrin can remove the rims and has someone who will take the wheels and rims.

A motion was made by Dick that this Select Board agrees to hold on to the property at 2262 Main Street indefinitely. The motion was seconded by Tamara and unanimously approved.

#### Unfinished Business:

There has been no response or Zoning Permit Application from the residents at 2413 Main Street regarding the unpermitted "bob house". Whit reported he had gotten an e-mail inquiry asking for clarification of a bob house. Whit noted a bob house is typically something that is on skis or a

sled of some sort that can be put on the ice and picked up and then stored through the summer. This type of activity hasn't historically required a zoning permit. The structure at 2413 Main Street looks to be functioning as a shed which is subject to setback and Shoreland and DES requirements.

Olivia Weathers arrived about 4:50. Dick reported he has shared Olivia's e-mails with Mark Gilbert from Kennebec Lumber, and has been in communication with him. Mark has investigated Olivia's idea of a "billboard" type structure to deflect the noise back toward the plant. To build such a structure would require a lot of engineering to handle wind and snow load considerations. He has not ruled that out. He is working on the overall cycle of white and red oak processing. Mark would like to complete the testing with the decibel metering equipment to be able to make an assessment. Dick stated it seems they are working on ameliorating the problem. They have followed up with any e-mail communications he has forwarded to them and Mark has said he talks to the mill operator to ask for an explanation when things change. The Board will continue to work with them as they go through this process of further testing. Olivia asked if there was any update to the number of fans and the kiln schedule that was running when George was operating the mill. She reported their fence is up. It has helped somewhat with the noise at the fence level, but their house is higher, and it seems people at higher elevations are the ones being bothered. She would be willing to let them bring their equipment to her house. Dick stated the testing is to see if they can find out the characteristics of what is making the noise at the source. They have control at the source, but not with atmospheric conditions that could change due to terrain and atmosphere. Olivia stated that she and Brooks are trying to do everything they can at their own property, but Kennebec created the problem and now they are not wanting to spend money to amend the issues. She asked if there is anything further, they can do to speed up keeping the noise contained. Dick told Olivia to keep sending him the readings she gets and note the dates and times it happens so he can forward the information to Mark. Dick will get in touch with Mark to schedule a time for the site visit at the mill.

The Board agreed to send a letter of non-compliance to the owner and tenant at 2413 Main Street requesting removal of the structure.

Dick stated he has been in touch with Senator Ruth Ward regarding the issues at 2489 Main Street. Senator Ward spoke to Jeff at the DES. The DES has their next review on July 15<sup>th</sup> and the issue should be on the list to be acted on.

Power washing has been done at the Town Office and Library. Half of the Town Hall was done, but they ran out of water so they will be coming back sometime this week. The skateboard park repairs have been completed.

The air conditioner in the Selectman's office does not work. An older floor-style unit the Police Department had is being used currently. The staff is willing to work with that this summer. Dick would like to do some research into a mini split for the office before proceeding with any changes. The wall unit was working when it was tested in the fall.

New Business:

The Board discussed an e-mail that was received regarding removal of the wood pile from the highway garage site. Kevin Roberts is willing to remove the wood at no cost and has a certificate of insurance. The Board discussed they had put the removal out to bid twice in the past and had no interest. Tamara moved to allow Kevin to remove the wood. Motion seconded by Dick and unanimously approved.

Board and Department Updates:

Dick reported the Friends of the Library are not longer at a point where they are buying a sound system.

Tamara reported one of the Explorers recently turned 18 and will be voted in as an actual member of the Fire Department.

George reported the Zoning Board dismissed the Swenson case because the two parties had not gotten together. Whit explained Cory Swenson has been approved to locate a manufactured home on property of the Robert H. Lane Trust by both the Trust and the Town. (Structure is not currently on the site). Cory has some equipment he uses for occasional part-time use and had been advised to get Site Plan and Special Exception approval. Whit assisted Cory with the paperwork and since he was not the trustee of the trust he needed to be appointed as an agent. At first, it appeared the trust was going to be ok with Cory acting as agent, but on the recommendation of counsel, they decided Cory could not. The family is ok with what Cory wants to do except for storing logging equipment. The two parties could not come to an agreement. Susan Chiarella, Zoning Chair had consulted with legal counsel from the New Hampshire Municipal Association and was advised without a signed application the Board should not continue. The case was dismissed by the ZBA. In the meantime, Cory has a valid Zoning Permit and permission from the trust and Planning Board to place the manufactured home. The Zoning Permit process is a separate process from Home Business and Commercial issues.

Dick reviewed the letter he drafted to Attorney Tanguay at Drummond and Woodsum regarding settlement of the fee for counsel on the loan for SCBA equipment. The letter was approved and signed.

Peter Abair has reported the Generator at the Fire Station needs repairing. He has contacted the generator company.

The meeting adjourned at 5:40 p.m.

Submitted by,

Janet Roberts,  
Administrative Assistant