

BOARD OF SELECTMEN

SEPTEMBER 23, 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 began with the Pledge of Allegiance.

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

Others present: Whit Smith, Leigh Callaway, Keith Cutting, Ken Jacques, Mike Lawlor, Brooks Weathers, Paul Seyfried, and John Anderson.

250th Committee Report:

Leigh reported there were \$1600.00 in donations to the 250th for the golf tournament that were incorrectly made out to the Town of Springfield instead of the 250th Committee. He asked the Board to accept those to the 250th. A motion was made by Tamara to accept the checks made out to the Town of Springfield, intended for the Golf Tournament. The motion was seconded by George and unanimously approved.

Leigh reported there have been \$2370.00 in total donations from the Golf Tournament and from the donation jar at various events. George moved to accept the \$2370.00 to the 250th Charitable Trust, seconded by Tamara and unanimously approved.

Minutes of September 9, 2019: Dick stated Jill did a fantastic job on the September 9th minutes. Ken Jacques commented that the statement referencing that he controls the key for the water precinct was accurately reported as it was stated at the meeting. However, he would like to clarify that the Board of Commissioners and the Superintendent are in control of the key to the roads. Tamara moved to accept the Minutes as written, seconded by George and unanimously approved.

Ken Jacques met with the Board to clarify ownership of land of the New London Springfield Water Precinct and the easements they were granted. Ken shared a copy of a deed granted in 1954 conveying those easements to land the precinct acquired. He explained the history of that end of Webster Pass Road to the former upper shingle mill formerly owned by Henry Kidder. The road was given up in the 1920's. Kings Highway from Curriers to the Turnpike, Poor Road to Wilmot, Perley Road to Sanborns have all been discontinued. There is nothing in between the two ends except for what the precinct bought from Walt Gardner. Beyond the precinct land, what is now the Gile Forest was conveyed to Dartmouth College by Walter Gardner until the State purchased it in the 1960's. Ken stated the Commissioner's perspective is the water precinct owns the easements and the ability to manage access. They will continue to do so in the best interest of preserving the watershed. Dick asked Keith if his family had ever sought an easement, continuing through the Gile to the property they own. Keith noted once the town makes a ruling, the family will decide what direction to pursue. Dick extended thanks to both Ken and Keith for their input. The Select Board will deliberate at a later time and have a decision for the next meeting.

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, September 23, 2019.

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

Application for Permit – Acted Upon, APPROVED

1. Judy Orlowski, 142 Eastman Access Road; Application to build/place a 12' x 24' shed next to her driveway. As previously reported, tradesman who will provide fill and install shed did not like the location selected by Ms. Orlowski. New location selected; Zoning permit application amended. New location is closer to the house and further from road and lot boundaries. There are no setback issues, no wetlands issues and the structure will be less than 35' tall. Zoning Coordinator confirmed that there is no business activity at the location. Zoning Permit approved by delegation of authority.

2. Nancy Edgar-Howard and Mike Howard, Shad Hill Rd; Application to build single family residence and barn. Visited with Mr. Howard to view location and discuss plan. Per Board of Selectmen decision, application fee is \$250 for the house (>1600 sq.ft.) and \$50 for the barn. Fee paid in full. There are no setback issues, no wetlands issues and the structure will be less than 35' tall. Zoning Coordinator confirmed that there is no business activity at the location. Zoning Permit approved by delegation of authority.

3. Lawrence Mester, 620 Four Corners Road; Application to build/place two (2) sheds on property. Fee is \$25 per shed for a total of \$50. There are no setback issues, no wetlands issues and the structure will be less than 35' tall. Zoning Coordinator confirmed that there is no business activity at the location. Zoning Permit approved by delegation of authority.

4. Francine Rainone, Kings Highway (house number applied for); Drawing showing location of proposed deck received; Zoning Permit Application amended. There are no setback issues, no wetlands issues and the structure will be less than 35' tall. Applicant has executed **NOTICE OF LIMITS OF MUNICIPAL RESPONSIBILITY AND LIABILITY FOR CLASS VI HIGHWAY IN CONNECTION WITH A ZONING PERMIT APPLICATION**. Zoning Coordinator confirmed that there is no business activity at the location. Zoning Permit approved by delegation of authority.

Applications Received, But NOT Acted Upon.

5. William St. Cyr, 2334 Main Street; Application (after the fact) to place a shed on property. No change in status. Zoning Coordinator will assist the property owner in the preparation of Application for Variance (new variance since the prior Variance granted is not applicable due to change in plans).

6. Kara Zaleskas, 164 Four Corners Road; No change in status on this matter. Zoning Coordinator did provide additional information and clarification upon email request from the applicant.

Other Matters.

A. Inquiry from property owner on Georges Mills Road regarding clearing of brush and wetlands.

B. Inquiry from owner of property on Kings Highway regarding general requirements. Responded with phone call; left message.

C. Attended Planning Board meeting. In addition to several consultations and a couple of “no shows,” as was the case at the last Zoning Board of Adjustment meeting, there was lengthy discussion as to what constitutes “Commercial Activity,” notwithstanding several references to “business, commercial or industrial use” and the role of the Planning Board to determine if a use is “business, commercial or industrial.” See second paragraph of Zoning Ordinance Sec. 5.20 Home Business. It was agreed, per request forwarded from the ZBA to have a joint “work session” meeting to possibly clarify the matter and reduce the confusion. Meeting set for Tuesday, September 24, 7:00 pm. Notice posted.

D. Kurt Conlon, Lamson Lane. No changes to this matter, As previously reported, Conlon’s have requested a continuance of their hearing before the Zoning Board of Adjustment as they are re-designing the renovation of and landscape around their lake cottage. The resulting may or may not require a Special Exception.

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Whit reported he spoke with the resident of Georges Mills Road and referred them to the Department of Environmental Services.

Whit stated he has contacted the New Hampshire Municipal Association seeking a simple summary of grandfathering, non-conforming and vested rights of land owners.

There will be a joint work session with Planning and Zoning on Tuesday, September 24th at 7:00 p.m.

Whit will work with Mr. St. Cyr for a Variance Hearing for November. Mr. St. Cyr was granted a variance for an addition to his house, but he has abandoned that plan and will be seeking relief for the shed. There is no permit pending.

Dick reported an anonymous complaint was received regarding activity on Sandy Beach Road. Jeff Blecharczyk from DES also received a call and e-mailed Dick. Independently, Dick, Tim Julian, and Whit Smith visited the site and saw no evidence of a garage being built. An area had been cleared of weeds and new grass planted. Dick reported his findings to Mr. Belcharczyk.

Old Business:

Kennebec: Dick reported the Board of Selectmen have received a communication from an attorney from Kennebec. The Selectmen have consulted with town counsel. John Anderson reported that he lives further away than others who have been having noise issues. He wants to add his concerns. The noise has increased, and he can hear it at his house, which never used to be an issue. Dick reported that more people are contacting him with similar stories. Dick thanked everyone for their patience. The Board is continuing to work on the issues but recognizes the progress is slow.

Tamara reported the Board met with delinquent tax payers recently. Progress is being made for those in danger of October tax deeding.

Sand Shed Site: Lou Caron has been in touch with Jeff Evans and is waiting for Jeff to finish drafting the updates Lou provided. He hoped to have something in a couple of weeks.

George reported he did not follow up with legal counsel regarding the Notice of Violation for the two cases currently not in compliance with Zoning. George stated he is not in favor of the process and since he is on the Planning Board does not want anything to do with this kind of enforcement.

Dick stated the Selectmen and the 250th Committee met with Shawn Tanguay regarding the 250th's proposed Statement of Purpose that the trust money be used for the purchase and installation of a lift for the Town Meetinghouse. A Statement of Purpose is not recommended or required. As per the terms of the trust, at the end of 2019, the money in the Trust is conveyed to the Town and the Selectmen have legal authority to accept the gift. The Committee can request how the funds are spent. There is no provision or requirement for a warrant article for the voters to decide at Town Meeting. Dick noted it is troubling to him that the town at large does not get an opportunity to have a say in the matter. The Board agreed they will hold a public hearing.

Keith Cutting reported the State is all set to move forward with applying for a grant for funding the Local Emergency Operations Plan (LEOP). Upper Valley Lake Sunapee Region Planning Commission (UVLSRPC) has helped with this in the past. The project is on hold until an estimate can be obtained from UVLSRPC. Keith is aware this may not happen until after the 2020 budget process.

Keith Cutting reported he has done research and has extracts from the State Archives. He has looked at the old town meeting minutes to back up the State research. He was not able to locate volume 2 of the records the last time he was here. The extracts contain language pursuant to the roads in the area of his family's property. He is not sure the legality of the extracts in the State Archives. He believes that based on various maps and extracts he has found the position of the water precinct is in error. The missing document is important in the Town's interpretation of this case. Keith presented the Board with the information he had available.

Board and Department Updates:

George reported the Cemetery Trustees recently toured the cemetery and reviewed the gravestones that were repaired. The Trustees were concerned they were not able to get more stones repaired for the amount it cost. The trimming and mowing at the cemeteries are probably finished for this year. The lawns around the town buildings may require it one more time.

Highway:

Curt has finished all the roadside mowing. Peter is working on removing rocks and putting in culverts on Shad Hill Road before the paving crew moves in. The Sterling is still in the shop waiting for repair.

Planning Board:

George reported he is concerned about the postponements and no shows that have been happening lately. Ken Jacques met with the Board in consultation to discuss what will be required for a Site Plan for Twin Lake Villa. A committee is being formed that will research noise ordinances.

Whit reported the Planning and Zoning Board will meet to review the Zoning Ordinance for the ZBA to get a better understanding of Commercial Activity. He has reached out to the ZBA with some information that may be useful to them.

Library:

Dick reported the Library Trustees meet tomorrow evening.

The parking lot has been repaired at the Post Office.

At 5:20 p.m. Tamara made a motion to enter non-public session per RSA 91:A – litigation, and personnel issues. The motion was seconded by George and unanimously approved.

At 5:55 p.m. the Board voted unanimously to return to public session. Motion by Tamara to seal the non-public minutes, seconded by George and approved by a yes vote of Tamara, George and Dick.

The meeting adjourned at 5:55 p.m.

Submitted by,

Janet Roberts,
Administrative Assistant