

BOARD OF SELECTMEN

OCTOBER 7, 2019

MEMORIAL BUILDING

3:30 P.M.

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

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

At 3:30 p.m. the meeting was called to order. The Board voted unanimously to enter non-public session per RSA 91-A:3II (c and e).

At 4:00 p.m. the Board entered back into public session. A motion was made by Dick to seal the non-public minutes. The motion was seconded by Tamara and all, Dick, Tamara and George voted in favor.

Others present: Leigh Callaway, Mike Lawlor, and Keith Cutting.

The meeting began with the Pledge of Allegiance.

Leigh reported there were \$10.00 in the donation jar from the 'Ramblin Richard' event. The jar is clearly marked for donations toward the lift. Tamara moved to accept the \$10.00 donation for the 250th Trust for the lift. The motion was seconded by George and unanimously approved.

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, October 7, 2019.

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

Application for Permit – Acted Upon, APPROVED

None.

Applications in Hand, But NOT Acted Upon.

1. 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).

2. 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. No change in status.

Other Matters.

A. Attended PB/ZBA workshop (9/24) discuss commercial activity and 1-2 family dwellings;

B. Inquiry from Attorney for client property owner regarding living quarter for elderly family member. I advised: to my knowledge, there is no restriction in the Springfield Zoning Ordinance that would prevent your client from putting a second food preparation area (kitchen) in a single-family residence. There would be no "apartment" created and the access between the second kitchen, associated living space and bedroom and the rest of the house would be open and unrestricted (other than normal interior doors). Accordingly, this is not an accessory dwelling unit (ADU) as defined in either the NH Revised Statutes or the Springfield Zoning Ordinance and it does not create a multi-family dwelling use. From our discussion Mr. Shuster led me to believe that the interior plan would not result in a "rentable apartment" or even lodging space for itinerant visitors. I advised him that should any of these considerations come into play, a review by the Springfield Planning Board may be required.

C. Attended ZBA meeting; Cote hearing – Application for Special Exception to operate Wood Processing, lumbering/logging and snow plowing business as commercial activity from his parent's property.

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.

<< October 6, 2019 >>

Whit was not present. Janet reported an application had been received from Marlene Chamberlin to install a generator at her property on Hoyt Lane. Whit had been to the site and found no issues. He recommends the Board approve. The Board approved the application and the zoning permit was signed.

Minutes of September 23, 2019: George moved to accept the minutes as written, seconded by Tamara and unanimously approved.

Old Business:

Dick reported the Board of Selectmen have reviewed the situation and concern raised by Mr. Cutting regarding the status of the Old Perley Town Road. They have come to the conclusion that since in March of 1928 the Town voted to discontinue the Perley Town road from its intersection with the Royal Arch Pass road to the lower mill but subject to gates and bars, makes this section a Class VI road pursuant to the definition of Class VI roads adopted in 1925. He recently traveled the road with Ken Jacques. A recommendation has been made for the New London Springfield Water Precinct to remove the lock at the lower gate or change the lock and give Keith a key. Ken will be discussing that with the precinct commissioners. Dick stated, his understanding and that of the Board, is that there is not a road from the upper gate. At that point the water precinct has deeded access over the property in question to access. Keith asked if the Board had seen the easement. He noted he has seen a lot of easements, but he did not find that one. Dick stated the Board has seen the easement. Dick stated based on the

information they have, the old Perley Town Road to Kings Highway is no longer a road. The Class VI section is from the intersection of Royal Arch Road to Perley Town. Keith asked for clarification of the whole road from the intersection of Kings Highway to Poor Road as a Class VI. Tamara stated the center section from the lower shingle mill up was never a town road. It doesn't seem like the town ever maintained anything up there.

Dick again noted, based on the research, the Board's conclusion is the Class VI Road is from the intersection of Perley Town Road with the intersection of the Royal Arch Road is subject to gates and bars. A proposal has been made to the water precinct regarding access through the gate. Keith stated his comments to the water precinct was to gain family access, not opening it up to the public.

Keith noted if the Kings Highway is not a Class VI Road, then there is a problem because there are people who live on the lower end above Four Corner's Road. Tamara stated that recently has been pointed out. The Board did not realize this was an issue until this recent information was researched.

Keith stated if the Perley Town Road from the upper mill site, to Kings Highway, including the Poor Road is not in the Board's opinion of being a town-owned right of way, his family now has a land-locked piece of property. He asked if the Board's determination was based on their interpretation of the definition of "discontinued". Dick stated it is his understanding is the town gave up the right of when the road was discontinued. He did not find anything discussed from the lower mill to the upper mill. Keith stated he would like to do more research in old town meeting minutes.

Keith asked if the other Board members agreed with Dick's opinion, if it was voted on in non-public session. Tamara stated she has done research too and she agrees with Dick. George agreed.

Keith stated he has concerns with Tamara's connection in her position with the water precinct. Tamara stated that she is a Select Board member and this position comes before anything else.

Keith stated he would like to go back to the RSA's and the New Hampshire Municipal Association to determine if the Board's definition of "discontinued" is accurate or not. If he finds the property is landlocked, the family may decide to seek an abatement.

Emergency Operations Plan: Janet reported Upper Valley Lake Sunapee Regional Planning Commission is willing to work with the town on the Local Emergency Operations Plan update.

Keith stated is in the process of reaching out to a couple of people who may be interested in taking on the position of Emergency Management Director. He typically moves on from a position after 10 to 12 years for someone new to take over and bring in new ideas and thoughts. He has asked for resumes. Keith will work through the LEOP process and transition a new person.

Board and Department Updates:

George has not heard from Lou Caron or Jeff Evans. He will follow up.

Zoning Board: Nick Cote's Special Exception was held on October 1 with a site visit on October 5th. The Hearing will be continued on November 6th.

Conservation Commission: The Conservation Commission has been doing some work with their root puller. It is available for people to sign out to use.

Highway Department: Pete has picked up the new plow.

Library: Dick stated there are two candidates for alternate library trustees.
The library steps are in.

Signatures: The contract with Avitar for the 2020 cyclical update was approved and signed.
CAP agreements with Primex for Workmen's Comp and the Property Liability Insurance were approved and signed.

The meeting adjourned at 5:35 p.m.

Submitted by,

Janet Roberts,
Administrative Assistant