

BOARD OF SELECTMEN

July 13, 2020

MEMORIAL BUILDING

4:00 P.M.

The following are to be considered draft minutes only until approved by the Board at their next meeting.

The meeting was called to order at 4:00 p.m. and began with the Pledge of Allegiance.

Selectmen present: Tamara Butcher, Chairwoman, Dick Hendl and George McCusker

Others present: Jim Bednar, Marla Binzel, Sargent Michael Beaulieu and Fred Davis

Others present via ZOOM: Keith Cutting, Wayne Smith and Whit Smith

Scheduled Appointments:

Jim Bednar is helping clean out all the items that were stored in the meetinghouse closet that is no longer there. There are several boxes of old hymnals and church school paraphernalia. These items have been gone through from a historical society point of view and a few items were put aside to be saved. Now the disposal of the remaining items needs to be addressed. Jim is looking for a place where he can recycle the old hymnals and maybe some of the music, but if unable to would like the board of selectman's permission to use the dumpster. Dick asked if the hymnals were current. Jim said no; he has sorted the ones that are the same date and put them to the side, otherwise they are from the 1960's, 1930's and some youth hymnals; all in various stages of deterioration. Jim has consulted with Fred who says they are a dime a dozen everywhere. Tamara asked if any of these hymnals were ones that were purchased and dedicated to or left in memory of someone. Jim stated he was unsure. To determine that he would have to go through every box. Dick asked Fred if he saw any issue here. He said no, but there are a few people in town interested in obtaining the old music. Dick made a motion to allow Jim, with Fred's guidance, to dispose of the items as they see fit. The motion was seconded by George and unanimously approved.

Wayne Smith is before the board looking for some answers and requested he be made aware if he crosses any boundaries. Wayne wants to know if there is a business at 373 Hogg Hill road. Wayne is trying to determine a point to move forward from. To Wayne's understanding there is no approved kennel at 373 Hogg Hill road. Tamara asked who owns that property; Wayne clarified the property is owned by Select Shepherds. Janet stated they went before zoning on Tuesday night and the zoning board did not accept their application. Wayne said if there is no business how do we prepare for the next stage. He has heard questions arise about proof of what has been going. With the select board being the enforcement, what do they need from the abutters to prove that what they have been saying for the past ten years is factual. Wayne feels the abutters voices don't matter, the only voices that matter are Tim and Mike and he doesn't feel they can have them going out there every day. Additionally, by the time they do arrive the barking has usually stopped. Tamara stated the select board is aware of activity going on at that location, but what that activity is has not yet been determined. Also, the town has been served papers and at this point and time the board can't answer any further questions without our legal counsel directing us. Wayne said that is what he wanted to know. Wayne wants to know how

the residents prove there are dogs barking at this location. Sargent Beaulieu stated there is an RSA which states it needs to be thirty minutes or more of continuous barking. If the officers receive a call and arrive there and it's within thirty minutes and the barking has stopped there is nothing they can do. Tamara read the RSA 466:31 (b) "If it barks for sustained periods of more than 1/2 hour, or during the night hours so as to disturb the peace and quiet of a neighborhood or area, not including a dog which is guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4)". Tamara stated there is nothing more the select board can discuss as far as Select Shepherds because of the papers that were served last Friday. Wayne then stated that if they don't get their permit or the the exception from the zoning board they are still able to produce 24 and 9/10 puppies every year for the rest of their lives. They need the zoning exception to get the state approval so they can do more than twenty-five dogs. The board is aware of that. Wayne feels his only options are to put up, shut up or move. Wayne said they will continue to run their unapproved business. Tamara stated at this time the board doesn't know that.

Zoning Permits:

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, July 13, 2020. Here is a summary of permit applications and Zoning Coordinator activity.

Application for Permit – Acted Upon, APPROVED

1. Mr. Corbett, Route 4A, would like to install/place a shed with overhead door (garage/shed) next to his manufactured home in the Jack-O-Lantern Manufactured Housing Park on Route 4A.

Summary of research for this situation, which is not addressed specifically in the Zoning Ordinance:

Zoning Coordinator spoke with Kevin Lee, Chair of the Planning Board, because the Springfield Zoning Ordinance is silent with respect to the placement of structures other than a residence (manufactured home) within a manufactured housing park. The "sub-lots" are small; typically, less than .25 acre.

The Ordinance in Article VII, Special Provisions, Section 7.10 Manufactured Housing Park Standards (p.25) addresses the minimum width of the required private roadway (20 ft), the number of parking spaces for each manufactured home (2), and the minimum distance of the manufactured home from the interior private roadway (20 ft) and from any interior lot line (15 ft). There is no setback requirement for any other structure.

Mr. Lee's interpretation is that the perimeter boundary of the entire mobile home park would define the setback requirement of the Ordinance. The Ordinance specifically states that "... an attractive 50 foot buffer strip shall be provided and maintained along all boundary lines and public roads."

Accordingly, no structure within the mobile home park may be within 50 feet (not 35') of the perimeter boundaries of the park (without the park owner having first having obtained the appropriate relief from the Zoning Board of Adjustment).

Mr. Lee's opinion (which I agree with) is that structures other than the manufactured homes themselves may be placed anywhere on the sub-lot leased by the occupant(s) with the permission of the mobile home park owner and subject to the 50 foot buffer referenced above.

Accordingly, there is no setback issue, no wetlands issue and the structure will be less than 35' tall. Zoning Permit application approved per delegation of authority after review with the Select Board.

2. Mr. Thorp, 69 Shad Hill Road, would like to build a patio between swim pool and house walkway. Zoning Coordinator has been out to the site and area for planned patio is marked. There are no wetlands issues, no set back issues, and the structure will be less than 35' tall. Based on site visit there does not appear to be any home business or commercial activity at the location. Applicant has represented the same on the Zoning Permit Application. Zoning Permit application approved per delegation of authority.

3. Mr. Shane Wiltshire, 404 Sanborn Hill Road, is removing a dilapidated shed out by the road and wants to build one next to the driveway closer to the house. There are no setback or wetlands issues and the new shed will be less than 35' tall. Zoning Coordinator has visited the site and viewed the location; and discussed with the applicant both the project and the need for a permit. No observed home business or commercial activity; applicant has represented the same on the application. Zoning Permit application approved per delegation of authority.

4. David & Lisa LeBlanc, 1589 Main Street would like to rebuild and expand the deck on the back of their house to also include a screened porch (roof over). Zoning Coordinator has been to the sight and has spoken to the Mr. LeBlanc. It is generally known that Mr. LeBlanc operates a Snap-On Tool franchise. He states that he conducts all business from his truck and while he is on the road (no business is conducted from his home). The Snap-On business model is well known. Mr. LeBlanc has agreed to go before the Planning Board for a consultation to determine whether his business qualifies as a "Home Business" under the Zoning Ordinance. Section 5.20 at page 20. It is his position that he is not operating a Home Business and he has represented the same on his application for Zoning Permit.

The proposed location of the deck/porch does not violate any setback requirements and there are no wetlands issues. The structure will be less than 35 feet tall. Accordingly, with Mr. LeBlanc's agreement to consult with the Planning Board, Zoning Permit application approved per delegation of authority after review with the Select Board

5. Mr./Mrs. Ryan, 79 Old Grantham Road, want to have LaValleys build a garage next to their house. They also have a 12' inflatable swim pool that they will put behind the garage on a seasonal basis (stored in a box in the basement). Technically, a 12' diameter inflatable pool requires a permit because it is >10' diameter. So, after discussion with me, they included it on the application. There are no setback or wetlands issues, the structure is less than 35' tall. Applicant has represented the same on their application. No observed home business or commercial activity; applicant has represented the same on the application. Zoning Permit application approved per delegation of authority.

6. John and Wendy Keyser, 72 Bowman Road, would like to add a carport attached to their residence. Zoning Coordinator has been to the sight (with Ryan Peterson) and has spoken to the Mr. Keyser. The location is clearly marked. It is generally known that Mr. Keyser operates an excavation and trucking operation. He states that he has been doing this for over 20 years and is not about to stop.

Mr. Keyser agreed to go before the Planning Board (September meeting) for a consultation to determine whether his business requires a site plan (and possibly a Special Exception – similar to Lacaille Masonry) under the Zoning Ordinance.

The proposed location of the carport does not violate any setback requirements and there are no wetlands issues. The structure will be less than 35 feet tall. Accordingly, with Mr. Keyser's agreement to consult with the Planning Board at their September meeting, Zoning Permit application approved per delegation of authority after review with the Select Board.

7. Jeff and Christine Haley, 287 Bowman Road, originally filed an application in 2016 for a permit to put a deck on the side of their house. Alas, life got busy and the deck never was built. Now, with renewed enthusiasm, they would like to construct a screened in porch in the same spot (same footprint). A new application (fee paid) has been filed and the Zoning Coordinator has been out to the property and spoken to Mr. Haley. The area is still staked out and, four years later, they are ready to have at it. There are no setback issues and no wetlands in the way. The structure will be less than 35' tall. There is no apparent business or commercial activity on the site and Mr./Mrs. Haley have represented the same on their application. Zoning Permit application approved per delegation of authority.

Incomplete Applications – Returned to Town Office, NO Action.

8. Mr. Don MacDowell, 5 Colcord Road, has storage container located next to house. This leased storage container was ordered and placed on the property AFTER initial visit by the Zoning Coordinator. (See my report, dated June 22, Other Matters, item A) Incomplete application filed "after-the-fact" by Mr. MacDowell. Application is unsigned and lacks a description of where and what structure is being placed. During initial visit applicant mentioned several locations where he might place the container. Zoning Coordinator assisted Mr. MacDowell with a measurement from the street to confirm that a location next to the house would comply with setback requirements.

Upon receipt of the incomplete and unsigned, "after-the-fact" application, Zoning Coordinator received email from Mr. MacDowell stating that he had placed the storage container in the location Zoning Coordinator had "suggested" (allegation by the Applicant). Zoning Coordinator made a second visit to Mr. MacDowell. Applicant stated that he understood Zoning Permit had been Approved. He said he had paid his fee and wasn't going to pay the town any more money. Mr. MacDowell suggested that we contact his lawyer, Mr. Michael Cornelio in New London. He stated further that he wants "our rights as taxpayers protected." In light of notification that Mr. MacDowell is represented by legal counsel in this matter, Zoning Coordinator has provided a full report to the Select Board under separate cover and will take no further action in the matter.

Open Applications - In Hand, But NOT Acted Upon.

9. Kara Zaleskas, 164 Four Corners Road; Zoning Coordinator has nothing further to report.

Other Matters.

A. Attended Zoning Board meeting July 7 (via Zoom)

B. Email inquiry from owner of vacant property on Kolelemook Lake regarding permanent electric service hook up to a camper.

C. Visit with resident on George Hill Road regarding possible locations for a screened porch attached to house. Although a large parcel, the house was built just after Springfield received its charter and is quite close to the road, which creates some possible setback issues. Owner advised regarding steps to take (for possible variance) depending on planned location of the screen porch.

D. Inquiry from potential property purchaser regarding internet service and use of 3 stall horse barn. Assisted the Deputy Administrator in handling the inquiry.

E. Inquiry from property owner regarding replacement of retaining wall next to driveway. Wall is in disrepair and needs to be rebuilt. Advised accordingly.

F. Inquiry from potential purchaser of vacant land regarding setback requirements, wetlands locations and buffers, what is involved in getting driveway permit and house number assigned. Responded to same.

G. Request from Chair of Conservation Commission to receive Zoning Coordinator Reports when distributed by email to the Select Board. No problem.

<< July 12, 2020 >>

Whit read through three of the seven items in his report. Whit read through his notes on Mr. Corbett's application for a garage/shed being placed next to his home in the manufactured housing park and the regulations adding structures in a park. He brought this to the boards attention because he will reiterate the position with the planning board in seeking their confirmation that that's a correct interpretation; we are setting a precedent here. Whit has not seen one of these come up before.

Whit also discussed Mr. and Mrs. LeBlanc who are building an extension on their deck and porch behind their house. Whit took this opportunity to suggest that Mr. LeBlanc visit with the planning board to determine whether his business qualifies as a home business or something else. He agreed to do that, most likely at the September meeting.

John Keyser is building a carport next to his house. He readily agreed to go to the September planning board meeting. Mr. Keyser made it clear he's been operating his business for about twenty years and he's not about to stop. He is happy to follow the example of others and go to the planning board and if required file an application for a site plan approval. In his case they

may also suggest he needs a special exception because of the nature of the business. Whit stated it was helpful to have Ryan Peterson there for this applicant.

The last item to bring to the board's attention was Mr. Don MacDowell. His incomplete application has been returned to the town office with no action taken. Whit stands on what he wrote in his notes. Mr. MacDowell has informed Whit that he is a public servant and should just do his job. Whit remained silent on that comment. Dick referred to Mr. MacDowell's comment suggesting the town contact his lawyer. Dick asked Whit if that is something he feels we should do or are there other avenues we should take. Whit sees no reason to contact his lawyer. In a recent email from Mr. MacDowell he told Whit the storage container was not working out for many reasons. Whit said it sounded as though he was giving up on the storage container and wants to rebuild his sheds. He is not happy with the situation, but as long as there is a storage container there and he has not filed an application for a zoning permit he's in violation of the ordinance. Whit stated the appropriate next step, and we should clear this with town counsel, would probably be a notice of violation.

Dick would like to know more about what Marla is suggesting as far as the process by which Whit approves zoning permits. Marla stated the DES enacted new rules in December and the conservation commission has discussed the new rules. It basically boils down to them trying to lean on the conservation commissions a little more to do a bit more of their work. The Springfield Conservation Commission is not eager to get overly involved with the process. The commission is not wanting to change this process any more than necessary. To ensure his understanding, Dick stated the role of the conservation commission now is just to review the expedited permits, it's not to get involved with the zoning permits that Whit processes. Marla said her understanding is the involvement in not just the expedited permits but the standard permits as well. Whit shared that he has a sense that some of the regulations for the state have changed and may not now be in complete alignment with what the Springfield zoning ordinance says. This would be a matter for the planning board to decide if they want to stay with the town ordinance standards or soften the standards and go with the state. The example jumping out to Whit is the proximity for structures within the shoreland protection act; he believes that has changed at the state level but not in the town's zoning ordinance. If there are things that need to be reconciled between the state standard and what we do in Springfield the planning board would be the appropriate place, with the conservation commission, to review and reconcile those differences. Marla believes the town can have more stringent requirements than the state. Whit wants to know if the conservation commission wants to review the information before a zoning permit is issued, because if they see a problem after the permit is approved there isn't much that can be done. Marla asked if an applicant would have already requested a zoning variance before Whit was brought in; Janet said not usually. Whit explained the current process he follows from start to finish with approving zoning permit applications. Marla said she is able to see all the information she needs in Whit's weekly reports; and if she sees anything that the commission should weigh in on she would approach the board of selectmen. Marla will start keeping track of the zoning board agendas and hearing notices. Whit will also add Marla to his email list for his weekly reports. Marla will also contact the zoning board of adjustment chair to make it known the conservation commission would like to be made aware of matters of interest, for example waterfront property.

Fred Davis has heard some rumors regarding the police department and asked the board if there is any update. Tamara said at this time there is not update. Fred asked who has been appointed as chief. Tamara stated Jim Burroughs has been appointed; until things resolve themselves, he is acting chief.

Marla said when the commission was considering the expedited permit for a property, in the end it was decided that it had been designed by a wetlands engineer. Dan Saulnier felt that this might be an example of one the better approaches to this type of repair and we might see this type of repair in the future being proposed with less integrity. It was asked by the commission if it would be possible to observe the process and take pictures to show other applicants the way things should be done. Marla is asking the board if it would be allowable for the commission to write a letter to the property owners stating their reason for observing is strictly for educational purposes. The commission will wait for the owners to get their shoreland permit approval from the state then they will draft a letter for the board's review. Tamara doesn't see a problem, once we know they have their approval. The board asked Marla to send them a draft of the letter for final approval, and they will go from there.

George discussed the zoning board meeting. He said there were several cases before the board that night. The first hearing was the garage over at Twin Lake Villa for the Twombly's, which was approved. There was discussion on moving the garage to another position. Where the board had suggested moving the garage was where the septic was located. Janet stated one of the points of contention was the plan only showed the house and the corner impacting the property line and not the rest of the property; in the future applicants need to present more information. Whit stated the variance was granted and he did inform the property owner they did still need to file an application for a zoning permit.

Tamara stated the Mr. and Mrs. Rice were asked for more information. George stated the zoning board would like to hear from the man doing the excavation to answer some of their questions. Whit said the zoning board's fundamental question was if there was enough space for them to actually do the work. Tamara said that was even asked at the site visit. Janet shared that the Rice's were in the office today pulling up copies of other special exceptions and/or variances that have been granted on lakefront properties to do some research.

George said the kennel was the next hearing. Whit said the fundamental position of the zoning board was they needed to first decide if the applicant was raising any new issues. The attorney for Select Shepherd's stated their position was the site visit was a constructive position that the application had been accepted. That was the core of the disagreement between the chair of the zoning board of adjustment and the attorney for the applicant. Whit stated the board voted to not accept the application so at this point there is no application on the table unless the town is ordered by a court of general jurisdiction to accept the application.

Hansen was the final hearing of the night. George feels that he is on new ground, he originally came in and was buying his timbers and spraying the preservative in the holes that were already drilled. Now he wants to not only buy the timbers and treat them himself, but also start a new business for pressure treating wood. The zoning board decided they wanted to hear from the person in Georgia who is dealing with Mr. Hansen. They would also like to hear from the

company that sells him the pressure treating materials. Janet said the specialist will hopefully attend the August meeting with the hopes the planning board can listen in on the hearing with the specialist.

Minutes of June 22, 2020:

George made a motion to accept the minutes. The motion was seconded by Dick and unanimously approved.

Unfinished Business:

Oak Hill Update- George said Peter has ordered the culverts. Tamara said there are six culverts, coming to about \$900 total, and they are already here. Hopefully that will take care of the problem.

George stated the cemetery is all caught up.

George said the conservation commission has a pile of junk they want to dispose of. Ken Jacques has a half oil drum that Peter will pick up and deliver to where the conservation commission wants it. They will then fill the drum with garbage themselves because it can't be reached by a backhoe or excavator.

Janet stated Pete may have someone that may be interested in mowing. George had a conversation with Mike Tully explaining that the mowing job will not be sent out for bid. Mike Tully stated that next spring he would volunteer his time again like he did this year. George said eventually someone will come in that wants to do the job.

Dick received a call from Lake Sunapee Carpentry stating he is very busy and unsure if he will get to the town. Dick asked if he is still interested in the work to which he said yes; he will get Dick the estimates. He told Dick if he can work the jobs in before winter he will, if not we will be the first on his list for the spring.

Dick spoke with attorney Matt Decker about Mr. Brunelle's situation. Matt is now communication with Mr. Brunelle's attorney to see if there is a way this can be resolved.

Dick will contact the Deputy Commissioner regarding Mr. Pratt. He will put together a package of all the correspondence we've had with the DES, the letters, recent newspaper article and recent pictures and will ship it off.

The board has decided not to put signs up at the beach. Tamara said starting next spring she would like to see the town start using beach permits.

Dick asked if we have anything to submit to the CARES act reimbursement. Janet said yes, we do; we are able to submit for all the payroll taxes, along with a few expenses, and is on her list of things to do. Dick will come in tomorrow and work on that application.

Janet mentioned the BTLA decision for PSNH for 2014 through 2017. George Hildum has figured out how much of a refund we owe, which totals around \$37,000 plus interest. Janet

received a call from Christopher Bolt, who is the attorney handling the mass appeal, and he said they have discovered there is a glitch, which is a non-issue for the town of Springfield because the added liability is \$58.94. The board needs to let them know as soon as possible whether we will join in the case or not. Janet will ask George Hildum what his take is on this for Springfield. The board will continue the meeting so a decision can be made after hearing from George Hildum.

Board and Department Updates:

Dick said the library is open by appointment to family units now. They are also still providing curbside pickup.

Tamara said the Fire Department is meeting tomorrow. Janet said there was an interdepartmental protocol issue, between two departments that might be discussed.

Signatures and Correspondence:

None

Miscellaneous Business:

Dick would like to have the town's school board and our municipal budget committee representatives come to one of the selectmen's meetings. It seems this is a particularly important time because he would like to know what the plans are to open school in the fall; if they are not opening school in the fall what will they do about reducing their budget. Tamara said will give them the two options of attending either the next meeting or the first meeting in August, July 27th or August 10th.

George said Peter fixed the ladder on the raft. Janet said a woman came in to let us know about someone getting her fingers pinched on the ladder because it folds under when you get on it.

Whit is hoping to hear mid-week about the CARES act funding for the internet. Whit has followed up with Consolidated and still haven't heard anything. Whit will make sure the Internet Advisory Committee informs the board of selectmen immediately. In the meantime, Whit has written a summary of all that has transpired around this CARES act funding. It is being reviewed by Dan Saulnier and Dick Petrin and will be made available to the board of selectmen.

Meeting continued at 5:52 p.m. to reconvene at 6pm on Tuesday July 14th.

Jill Hastings
Deputy Administrative Assistant