

BOARD OF SELECTMEN

August 10, 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: Dick Petrin, Dave Twombly, Whit Smith, and Ryan Peterson

Zoom Attendees: Andy D'Amico, Mike Hummel, Jim Tinkham, B. Manning, Sue-ann Kazenas, Simon Leemin and Dan Saulnier

Scheduled Appointments:

Kennebec Lumber representatives were not logged in at 4pm so the board moved on to other matters until they are present.

Unfinished Business:

Voting Update: The select board went through the language of the drafted policy and made some changes. Dick stated the Secretary of State's office never seems to want to make a decision. They always defer to the attorney general. Dick doesn't think this Thursday's meeting will be any different. Dick asked why it would be unreasonable to make a decision today and let it be. Dick recommends using the policy drafted by the town attorney and press on. B., along with the select board, continued to discuss possible issues that could arise at the polls. Tamara went over some language corrections. The board will review the updated policy and send it to B before approving it. B asked what George thought of all this. George's concern is that every time the board meets there is a new set of rules, they are constantly changing.

Scheduled Appointments:

Kennebec Lumber: Tamara stated the board received the photo with markings as to what the buildings are, including a certification stating as such. Simon thanked the board for setting up this meeting. He informed the board that Denis Carrier is in Maine and does not have good service available to him, so he is not able to attend. Simon began by saying they felt it was a good meeting in January and he appreciates being here. The photo was shown on zoom through screen share and Tamara read through the colors and the corresponding dates those buildings were built. It is also showed on the photo what those buildings are used for. Simon stated the certification states what you see in the photo is what is there on the ground as of August 1, 2020. Dick asked Simon if they have any plans to improve the site in the future. Simon does not believe so, and that was discussed with Denis. However, they do understand any further change would have to go to the planning board. Simon stated, as the board is aware, they have only recently, as of 2018, come into possession of the property. So, all the construction in the photo were prior to Kennebec owning the site. Dick made Simon aware that they can always go before the planning board for a consultation, which is not binding. Simon offered to send a letter on behalf of his client indicating exactly what he said tonight; that we agree that any further

development or building beyond what is shown on the August 1st certification will be subject to whatever zoning, site plan and other regulations that apply to the town. The board of selectmen said that letter would be appreciated, and it will be kept in the folder with the photo. The board thanked Simon for attending the meeting.

Internet Committee Update:

Dick Petrin gave a brief overview of the final report that was emailed out to the select board this morning. A total of 663 surveys were mailed out, 247 were returned which was a total of 37%. The committee would like the board to accept this as the final report for the survey and they would like to publish it, with guidance from the board as to where they might do that. The board discussed ways to post/publish the report; The report could be posted at the library, on the town website, the Facebook page and the town office.

Dick stated that Whit had mentioned earlier that Consolidated would like to meet with the board at some time, is that still being offered. Whit said yes, that is still in the works. Whit has tentatively scheduled the meeting with Consolidated for 2:30pm on Wednesday. The committee is still going to hold the community information meeting, which is scheduled to happen on the 27th of the month. Whit is hoping Consolidated will be available to attend the community information meeting. Whit believes Consolidated will lay out what their plan is, what the timeframe is, give some sort of feel for what inconveniences/interruptions could result in the town at Wednesday's meeting. Tamara said the question she is hearing most is how long this process is going to take. Whit said the answer to that is 13 weeks to do the stringing of the wire and splicing of the wire.

Dick asked how the committee will be advertising the community information meeting on August 27th. Whit said it will be put on the Facebook page, Tamara said it will get posted on the board, and Janet said it can be posted on the website. Janet also shared that if they get the information to Pixie this week, she will have time enough to have it come out in next week's Intertown Record. Dan asked the select board what he should do with the surveys. It was decided they could be delivered to the Town Office for storage. Tamara thanked the committee for all their hard work.

Zoning Permits:

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, August 10, 2020.

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

Application for Permit – Acted Upon, APPROVED

1. Mr. Jonah Walker, 2527 Route 4A is planning to build/place a 12' x 12' garden shed behind the house. Zoning Coordinator has been out to the site and area for the planned shed 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.

2. Mr./Mrs. Twombly, 247 Twin Lake Villa Road, received a Special Exception allowing for side yard setback relief, which will permit them to place a 26' x 28' garage no closer than 15' from the lot line. (Zoning Board of Adjustment Decision dated July 7, 2020). Since last report, the applicant has staked the area for the garage and has provided as "plan view" of the location of the proposed garage. Zoning Coordinator has been out to the site and area for planned garage 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.

Open Applications - In Hand, But NOT Acted Upon.

3. Mr./Mrs. MacCreighton, 99 Old Grafton Road, would like to build an addition/extension on their existing garage. Zoning Coordinator has been out to the site and area for planned addition is marked. As previously reported, a variance is required because the existing house and garage are inside the 35' setback from the road (Zoning Ordinance Article III, Section 3.13 B). Although the house and garage would be "grandfathered" and exempt from enforcement, the proposed addition triggers the requirement for compliance with the Ordinance. Zoning Coordinator assisted Mr. MacCreighton in the preparation of an application for variance.

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

Other Matters.

A. Visited Josh McGraw, 679 Old Grafton Road. Over the past 3-4 years Mr. McGraw has filed several zoning permit applications that have been approved based on interview and aerials. The Zoning Coordinator had never visited the site due to remote location – 1.5 miles in on the Class VI portion of Old Grafton Road, which was until recently impassable. Mr. McGraw has maintained the Class VI portion of the road and it is now passable at certain times and under certain conditions. Mr. McGraw contacted me regarding the possibility of high-speed internet service being offered at the location. So, this time I went out there to have a look. Zoning Coordinator viewed the cabin, observation deck and the woodshed. All are as represented on prior zoning permit applications. I also noted the location of utility poles close to Mr. McGraw's camp and will share the same with Consolidated Communications as this is an "unserved" rural location in town.

B. Met with Selectman Hendl regarding "retired" properties in the Eastman section of town. Mr. Hendl requested that I review the Eastman Community Association Declaration of Covenants

and Restrictions (as amended). Specifically, to shed light on what is a “special place” and the procedure for returning a property to potential for development.

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Whit read through his report. Whit stated he has been reading the ECA’s declaration of covenants and restrictions and despite his creative imagination he has no clue what a “special place” is. Dick said, good they agree on that.

Dave stated that back in 2004 Bob and Judy Lauster had applied for a permit and approached Mr. Twombly’s father asking if he would be supportive of a permit to add a couple of rooms, they would not add a kitchen, because their two kids wanted to live there with them. Dave’s father was supportive of the permit because there would not be an additional kitchen; it would be a one-dwelling unit. They have been good neighbors, and unfortunately Bob and Judy have both passed away recently.

Now, with this Covid environment, Dave has found out from their neighbor, Ken Jacques, they were renting part of the house to three kids. Dave knows Tom and Amanda and spoke with them about how they were listing the house, sharing they may even know a few people interested. Amanda told Dave to pick up a copy of Sotheby’s magazine. Dave asked them specifically if they would be selling their house as a single-dwelling unit. What concerned Dave is the listing in the Sotheby’s magazine. The home is listed as a spacious home with a private wing in-law apartment. To Dave that insinuates there is a kitchen in there. Tamara stated she would take that from the wording as well. Dave was advised they do not have a permit for an ADU, so his concern is did they build a kitchen in there and are now trying to sell this as an apartment.

Tamara shared with Dave that he is not the only one concerned with the ad in the magazine as it also implies this house has golf and beach access and it does not. Dave said it is a unique deed in that the deed does have rights to villa facilities, but not for free. Dick asked Dave if he has seen this second kitchen. Dave said no, he did ask in the email if there were two kitchens and she didn’t respond to that. Dick said the fact that it is described as an in-law apartment might imply a kitchen, but it doesn’t state there is a kitchen. From Dick’s point of view the establishment of a second kitchen is not absolute yet. Unless someone has seen it and can state yes there are two kitchens the wording can be taken many ways. Janet pulled the property card for the Lauster’s. Tamara said the tax card doesn’t list extra kitchens, but that doesn’t mean there isn’t one there, it just hasn’t been seen yet.

Whit said that having a second area of cooking facilities, or even a kitchen, does not necessarily create a multi-family dwelling unit. Whit also added the zoning ordinance does allow, as a permitted use, one and two-family dwelling units; two-family units must be approved by the planning board. Tamara said the first step would be for the select board to write the owner’s a letter and ask them if they have an ADU or multi-family unit and if so, they need to obtain a permit for it. Janet said it wouldn’t be able to be an ADU if they have 800 square feet. Janet

suggested sending a letter to the realtor also stating that it appears their advertising is misleading or something to that effect.

Dave was also told they can't rent it out because there is no permit for that, and it is being rented right now. Tamara said the first step is to write a letter to the Lauster's and Stephanie Wheeler making them aware the town does not have it down as being an in-law apartment we have it as being two bedrooms and that it is being inaccurately advertised. Tamara added if it is an apartment the Lauster's need to come to planning board to request a permit. Dave asked the select board if they will enforce this or would the select board say this is permissible and issue a permit. Tamara said that would be up to the planning board to decide if they will issue a permit.

Dave said they would've been dead set against this from the start if it was called a multi-dwelling unit. Janet said when the Lauster's applied for this addition the zoning ordinance was quite different, some of the regulations we have now probably weren't in effect when they applied for the addition. They've changed since then. Dave said the point is they were nice in allowing, and not fighting, the permit for this addition. Now all of a sudden they've decided to sell it as a multi-dwelling unit so they can make more money. Whit said they are selling it as an in-law apartment, that may not be a multi-dwelling unit. Dave said that is why he is here before the board, to find out if there is indeed a second kitchen that they put in that they said they would not put in.

Dick said the board will try to find that out, but it's not something they will be able to decide today. Dave asked if the board feels it's a violation, what steps will they take. Tamara said if planning board finds it is a violation they will not issue a permit, and the select board will have to go from there. The board is not sure what they would do as they have not had an opportunity to discuss that. Janet stated if they are do have an apartment, they have two dwellings on one piece of property, that's when they go to planning. Planning will look at the size of the lot, the septic issues and determine whether they meet lot loading to have an extra bedroom, a septic. They really may or may not go to planning. The board of selectmen are going to be the ones that need to determine, perhaps, where they need to go next if you find they are even in violation.

Tamara said hopefully by sending a letter to the Lauster's and the realtor they will get some answers and they can move from there. Dave asked for a copy of the property card, and asked to be kept in the loop as to what transpires. Dave has been told what they are doing is illegal. Whit provided some clarification. A two-dwelling unit is allowed if given planning board approval given the size of the lot, septic loads and slopes and soils. An ADU is allowed as a matter of right after review by the planning board. A second-dwelling unit is allowed pursuant to our ordinance if the planning board approves it. A multi-dwelling unit can have one of the dwellings generating income. Dave said this was all news to him, he was told contrary information and advised to go to the select board to voice his concerns. Dick said they don't even know if it's a multi-dwelling unit yet and the ad could be read both ways. Dick apologized for not agreeing with Dave, but just because of the way the ad is written does not in his mind say there are two kitchens in that house; that is why he asked Dave if he had seen the second kitchen.

Tamara stated the first step is to write a letter to the Lauster's and ask them, and the listing agent to find out whether there are two kitchens there. If there are two kitchens, then they will move forward with that. Dave thanked the board and stated he appreciates what they do. Before changing gears, Dick asked if he owns a home, as he does, and decided to move somewhere else can he rent that house out. Whit thinks he can, and Janet also said yes.

Minutes of July 27th and August 3rd, 2020:

George made a motion to accept the minutes of July 27th and August 3rd as written. The motion was seconded by Dick and unanimously approved.

Unfinished Business:

Dick has two forms that need to be filled out to get our CARES reimbursement from the state. One is just a pro forma form, the second we have to provide information that we have met the provisions of the law 21P:43 that we would accept the terms of offer for reimbursement from the Covid-19 related expenses not otherwise reimbursed with budget as provided under the CARES act. Those two documents need to be provided for the town's application to be considered complete. Dick made a motion that the board accepts the terms of offer for reimbursement for Covid-19 related expenses not otherwise reimbursed or budgeted as provided under the CARES act as part of RSA 21P:43. The motion was seconded by Tamara and unanimously approved.

Tamara read aloud the updated polling policy being suggested. After a few more corrections were discussed and made the board decided to send the corrected policy to B. for review before signing.

New Business:

Dick made a motion to have the individuals listed in Pixie's tax deeding letter come before the board and discuss an installment plan for their tax bills. The motion is seconded by George and unanimously approved.

Janet shared the auditors are done with the audit. They are waiting for a letter from legal as to what our potential for lawsuits is, both in 2019 and possibly in 2020. Their recommendation, which they've talked about before, is we are hanging on to unused funds from the loan for the SCBA equipment and that money can only be used for that purpose. The fire department has told Janet they are all done with what they need for that equipment so there needs to be action by the board of selectmen. The only thing that can happen with the rest of that money is that it goes back to pay down the principal on that loan. Janet said as of the end of June there was \$11,869.32 left in that account. Tamara will discuss this at tomorrow night's fire department meeting.

Janet said Avitar is done with their field work. They will be sending out notices to all property tax owners today or tomorrow. They will be scheduling appointments; all their appointments will be by phone only and you must go online to set up an appointment. Janet said if someone cannot set up an appointment online due to lack of internet, there is information that they are to

call the office and Janet will go online and set up an appointment for them. Janet added this is not be confused with your property assessments going up ten to fifteen percent. The approximate value of the town will be increasing by ten to fifteen percent average total valuation overall for the town.

Mark Stetson provided Janet with an executive order, which she has not fully read as it was just received today. It appears municipalities can use this executive order to take a look at their budgets when it's time to set the tax rate and if you have some appropriations that you just know are not going to get spent in 2020 you may now vote to use those to decrease the tax rate. What you are essentially doing is using the money before it gets to the unreserved fund balance.

Board and Department Updates:

Dick shared the library will now be open on Mondays, by appointment, as well as Tuesday, Wednesday, and Thursday.

George provided an updated from the last zoning board meeting. He started by saying in the case of the planning and zoning board if Janet wasn't there to constantly remind about motions and proper procedure a fiasco would occur. Tamara added Janet does that for the select board as well and thanked her for that. The case on the lake was put off for another month, at the request of the property owner. George stated they turned down the dog kennel again. Janet clarified the zoning board just reviewed the motion for a rehearing, it was not an application for the case all over again; it was a discussion to decide whether they made the right decision last month when they decided not to hear the case again. George said that Hansen's special exception was approved. Hansen will now go before the planning board.

George shared that Peter has been busy ditching roads. George said for some weeks he and Pete have been in discussions and working on the rebuilding of a massive culvert the other side of Brad Butchers house. Pete has been asked to research this; he has determined that Hansen does this kind of work and the engineering study is included in the cost, which is looking to be about \$100,000. George has asked Pete to gather as much information as possible from Mr. Hansen, including an estimate, and then come before the selectmen.

George missed the conservation commission meeting, but he heard that Peter borrowed a collection tub. Conservation will use the tub to clean up the debris down over the bank. After the tub is full Peter will come and get it.

Dick asked how the culverts on Oak Hill West perform during the last storm. George hasn't been by in the last few days but has heard nothing from Peter about them. There have not been complaints from the residents.

Correspondence and Signatures:

None.

Miscellaneous Business:

Janet said that Peter cut the dead tree, and chipped it, by the Town Office.

Dick made a motion to enter into non-public session per personnel at 5:51p.m. The motion was seconded by George and unanimously approved.

Dick makes a motion to enter back into public session. The motion was seconded by George and unanimously approved.

No decisions were made during non-public session. Dick made a motion to seal the minutes. The motion was seconded by George. Dick, Tamara, and George all voted in favor.

Meeting adjourned at 6:07p.m.

Jill Hastings
Deputy Administrative Assistant