

**BOARD OF SELECTMEN**

**August 24, 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: Whit Smith, Amanda Lauster and Kevin Lee

Zoom Attendees: June Fichter and Geoff Lizotte

**Scheduled Appointments:**

June Fichter and Geoff Lizotte – Lake Sunapee Protective Association:

Geoff Lizotte, the watershed steward of the LSPA, shared the 2020 Lake Sunapee Watershed Management Plan Overview. The plan can be viewed at [www.lakesunapee.org/2020-wmp](http://www.lakesunapee.org/2020-wmp).

Tamara asked if they have considered presenting this to the Springfield Conservation Commission. Geoff said they had not presented to them but would be happy to. Tamara said they will talk to the commission and see if they would be interested in hearing the presentation.

Tamara thanked them for their presentation and will send the contact information for the Conservation Commission to them.

**Zoning Permits:**

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, August 24, 2020.

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

Application for Permit – Acted Upon, APPROVED

None

Open Applications - In Hand, But NOT Acted Upon.

1. Mr./Mrs. MacCreighton, 99 Old Grafton Road, would like to build an addition/extension on their existing garage. Previously reported. On docket for next ZBA meeting – September 1, 2020.

2. Mr./Mrs. Laurie, Hogg Hill Road (house number not assigned), would like to build a log home (original plan calls for 3 bedrooms, but 3<sup>rd</sup> bedroom converted to an office) and a detached garage with bedroom and bath. There are no setback or wetlands issues and the structures will be less than 35' tall. Questions raised regarding septic design/approval for three bedrooms and whether the garage with bedroom and bath is a second dwelling unit (permitted under zoning ordinance, but with review and approval by the Planning Board) even though there is no

kitchen/cooking facility planned for the garage. Application held pending review and decision by the Select Board.

3. Mr./Mrs. Hatfield, 600 Stoney Brook Road, would like to build a 5' x 8' deck attached to the side of their cottage on the shore of Baptist Pond. To be considered a structure, the deck must be greater than 100 square feet. Since the planned deck is only 40 square feet, no zoning permit required. Applicant was advised accordingly. Applicant was also advised that even though no zoning permit is required, a NH Shoreland Protection Act Permit By Notification (PBN) may be required. Applicant has the responsibility to confirm with builder whether a PBN is necessary. Fee to be returned to applicant.

4. Kara Zaleskas, 164 Four Corners Road; This application has been in hand since August 13, 2019. Since it has been more than one (1) year and applicant has taken no further action to comply with Shoreland Protection Act permit application has been returned to town office for final handling – notice of No Action Taken – Permit Not Issued.

Other Matters.

A. Contacted real estate broker representing Twin Lake Villa property owner regarding complaint from a neighbor that the property owner has second dwelling unit in primary residence and has rented the unit to three (3) boys. RE agent is checking on the configuration of the house and has promised a reply.

B. Nothing further regarding “retired” properties in the Eastman section of town. I did speak to the town’s Assessor to set up meeting to review his take on the situation. Zoning Coordinator has no further insight on what is a “special place” and the procedure for returning a property to potential for development. No permit applications have been received for development on any such parcels.

C. Requested clarification from Planning Board as to whether a movable 10' x 20' “goat shack” on skids is a structure.

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Whit read through his report. Whit has spoke with Ken Jacques regarding the Laurie’s on Hogg Hill to find out his take on the matter. They agree that there is no procedure or precedent for a separate building, housing sleeping space, that’s not intended as an apartment with the four living characteristics that are spelled out in the ordinance. Whit feels, if possible, guidelines need to be developed because we have three or four precedential examples that all raise this question; what it is really and what could it become. And as a reminder, a multi-family dwelling or even a second dwelling unit on a single piece of property is permitted in the town of Springfield under our ordinance provided the planning board has had the opportunity to review and approve based on the impact to the property in question. Whit stated the monkey is on the

select boards back in terms of what Mr. and Mrs. Laurie want to do. Whit said they have been completely forthcoming. Their septic plan is consistent with what their application states. Dick believes the Laurie's are building a four-bedroom complex on that lot; whether there is a closet or not it is still a bedroom. Dick asked what the septic is rated at. Whit has been told it is three-bedroom septic. Dick proposes the Laurie's go before the planning board, explain their situation, and have the planning board decide whether it is a multi-family dwelling or not. Dick said we have been told that multi-family dwellings are allowed, but he feels anyone that has a multi-family dwelling without some kind of "permit" issued by the planning board is running an illegal operation, especially if they are renting it out. Dick feels we need to get ahead of this and deal with the ones that exist; let's not let this just propagate because the situation is the same as an existing situation. Tamara agrees with this.

Whit gave a scenario that if you have a single dwelling unit with five bedrooms, and it's just the two of you, then you decide to rent out a room to someone, he is unaware of any prohibition in the town of Springfield that says you aren't allowed to do that. However, if you have a separate dwelling unit, that's in the nature of an apartment, this is what Whit was explaining to the Lauster's broker, there are a few things you can generally say about an apartment. They usually have some level of privacy, the size is irrelevant, and has a separate entrance. If it doesn't have a stove, Whit feels that is irrelevant in today's world. The other side of the coin here is if you have rooms in your house and you are sharing the house with some people and it doesn't qualify as a separate apartment presumably that is not an objectionable practice. Then there is the gray area; if you are renting out your house as a ski house for a month at a time, you're a non-resident landlord, is that permissible in the Springfield. Whit doesn't see why not. That is not an owner advertising on Air B&B, that is becoming more of a hotel.

Whit feels if we were to declare ourselves, with the planning board's help, then we'd have a set of guidelines stating they aren't all the same, there are gray areas and these are indicators that helps us determine what is and what isn't okay and what should to be discussed with the planning board in the form of a consultation. Kevin asked if boarding houses are listed under permitted uses. Janet doesn't recall seeing anything in there that addresses that.

Whit has not heard back from the Lauster's broker. Whit is of no opinion in terms of how to determine a response to the complaint that was received other than to say he doesn't think we have good data at this point.

Tamara stated, going forward, the Laurie's need to go to the planning board for a consultation. Tamara will draft a letter to the Laurie's to be sent. Whit has no basis to deny a zoning permit, but there may be a requirement that if it is treated as a separate dwelling unit than they need to have a review and approval.

Tamara spoke with Mrs. Lauster earlier, and the board has learned there is no exterior entrance, and there is no second kitchen (only a sink and fridge). Tamara asked for clarification on how many bedrooms were in the home. Mrs. Lauster stated there is a total of five bedrooms, which includes the three bedrooms above the garage. Mrs. Lauster and her family lived here with her

in-laws who purchased the house initially. Later her family purchased some of the house from them and built the extension for her family to live in. The kitchen was shared and there was a bedroom for each of her children and herself plus a bathroom. Mrs. Lauster said they are not trying to market it as separate apartment that you can rent out. Tamara said if the realtor hadn't used the word apartment it probably never would have been an issue. Mrs. Lauster said in on-going marketing there won't be a mention of apartment, it will be called in-law suite or whatever term would be appropriate. Whit feels a letter needs to be written to the Twombly's stating a thorough investigation has been done and the findings of that investigation. The board thanked Mrs. Lauster for her time. Mrs. Lauster asked for a copy of the letter that will be sent to the Twombly's.

Dick brought the attention back to Mr. and Mrs. Hatfield, to use as an example. Dick thought the conservation commission was going to be reviewing all situations where a shoreline permit might be needed. Dick feels conservation ought to be brought into the loop, as they wanted to be, and review and pass a judgement on whether a shoreline permit is needed. Whit said Marla Binzel did get a copy of this report and the meeting with the Hatfield's was less than a week ago. Dick just doesn't want to give the impression that the determination of whether a shoreline permit is required was between the builder and property owner. Dick will send Marla an email specifically about the Hatfield's and what he believes to be their responsibility to review all activity within the shoreline protection area. Whit is comfortable and has already told the applicant they would probably need to get a shoreline protection permit.

**Minutes of August 10 and 12, 2020:**

Dick made a motion to accept the minutes of August 10<sup>th</sup> and 12<sup>th</sup> as written. The motion was seconded by George and unanimously approved.

Kevin Lee is in front of the board to discuss the survey. He has requested some quotes on printing but has not received any back yet. The idea is to mail the survey to residents. The survey will be a three-page document with a return envelope included. There will be a drop box located at the town office or it can be mailed in, very similar to the internet survey. Kevin will do the collating of the information. There is also talk of an online possibility. To give an idea of the cost, Whit shared that the internet survey cost about \$1,000. Dick suggested this might be a good community service project for a high school student. Janet said the planning and zoning budget has money that doesn't get spent every year, so there is money available.

Kevin also wanted to discuss the existing business site plan. Several planning board members feels there needs to be a way of asking business that existed prior to zoning to come in and provide a statement of fact for that business. It would mainly be them providing what's on their site and how the business runs. That would be accepted as a statement of fact. Anything added to that would require an approval of an amended site plan. Whit asked if this process would be subject to a public hearing. Kevin said this would just be a statement of what is there so doesn't feel it would need a hearing. Janet stated according to town counsel there would be no reason to have a public hearing as this all predates zoning. Kevin said the idea is not to go through the site plan process, we would accept something that's handed in that includes much of the same

information that is on a site plan; we want the information that would be on a site plan so when something changes we have a record of what was there initially. Janet said the only recommendation we have received from town counsel regarding this is that there is no requirement for public hearings. Whit feels this is a good approach.

Lastly, Kevin wanted to discuss what the planning board would like to do with the noise ordinance. He said the new noise ordinance would not be part of the zoning ordinance, it would be a separate ordinance. The planning board does not believe they have the statutory authority to recommend that. The planning board can endorse it, but if it is something that is pushed forward from the town on to the warrant it would brought forth by the select board, or by petition. Kevin said it would not be a benefit to have the noise ordinance as part of the zoning ordinance. Tamara asked why that is. Kevin said is it a zoning violation if someone is making noise or is it a town nuisance. Dick asked if the board could see a draft of this noise ordinance. Janet said it hasn't changed, just some minor input. The planning board is looking at the ordinance chapter by chapter and when they are done with all the chapters they will make the changes to a new document.

**Unfinished Business:**

Sugar River SCBA Loan – Janet told the board the balance as of the end of July was \$11,875.37, which can be applied to the principle balance. Tamara made a motion to apply the \$11,875.37, give or take a few pennies, towards the principal of the SCBA loan. The motion was seconded by Dick and unanimously approved.

Dick attended a court hearing a week ago Thursday, Mr. Stone did not show up. Judge Turner was very sympathetic to Matt Decker's presentation of the history of the whole lien process. Judge Turner agreed that he would issue a permanent lien after his deliberation, then he went on vacation. We expect that to be done by the end of this week. As soon as it is the documents will be brought over to the registry of deeds for registration. Tamara asked if we have an idea of what it will be. Dick said it will be for the full costs to the town.

Dick also discussed with Matt the situation with Mr. Brunelle. Matt has drafted a land use citation which allows the town to assess five days' worth at a time of fines to Mr. Brunelle after the 30 day limit we had given him. The total fine for the first five days is \$1,375.00. Dick has one concern, which is with Mr. Brunelle not owning the property; will we have to send the citation to the owners with a copy to him. Dick will get that cleared up with Matt. Dick will forward a copy of the citation to Tamara and George for them to review. Dick said if he doesn't pay this fine, the town will issue a second one for the five days and we keep doing that until we get current, then we go to court again. Tamara asked when the thirty days ended. Dick said that ended back in early June.

**New Business:**

Dick said Pete and Troy are going to remove the trees that abut the Rice property on Thursday. Dick will contact Mr. Rice and have him remove the wire that is across the access as he agreed to do.

Tamara was contacted by Alex Moskalenko last Thursday with some concern about the culvert that was put in at the end of his driveway. He is wondering if they are going to seed and put straw over it. Alex is also wondering whether another row of rocks should be put over above the culvert. With the little bit of rain we have gotten since the culvert was put in it was apparent there was going to be some erosion. Tamara spoke with Pete and he said that he is planning to put straw and some grass seed over the dug-up area. Pete will also be adding another row of rocks above the culvert.

Tamara received an alarm call from Capital this morning and was unsure what it meant. Tamara spoke with Pete to see if he had any issues. Pete said he had been over there since 6am and didn't have any trouble with the alarm. Janet said it sounded like something with the dialer, and that they might need to get a dedicated line for the alarm.

**Board and Department Updates:**

George said that Hansen received his approval from the planning board. George did ask Mr. Hansen where he was planning to store his products, because he is planning on doing commercial after it's set up. He will be storing inside the building.

George said Peter and Troy finished the mowing today. The ditching is just about done, he might have a little more on Nichols Hill. George asked how the road prep was coming for the paving, which is not going to get done until late September again. Janet said Pike just left off a big paver. George said we are doing Twin Lake Villa first, then Shad Hill, Nichols Hill and some of the dump road. Troy will be on vacation next week and Peter will be here most of the week. Peter pushed the tank the Conservation Committee wanted down over the bank and got into a hornet's nest. Pete said good luck to them because it is sitting right on a hornet's nest.

George missed the conservation meeting last week, but he got an email stating there will be a meeting Wednesday night at 7pm to discuss their recommendations to the zoning board regarding the Rice property.

George took a ride up Oak Hill and said it looks great. There has been no washout.

Pete spent two days fixing the bucket loader

Janet showed the board the Hansen quote that was received for the culvert by Brad's. The price on the quote includes engineering costs. This expense would need to be planned on for the 2021 budget.

Dick said the library trustees meet Thursday at 1pm.

Tamara said the fire department cut down a dead tree on 4-A last week.

**Correspondence & Signatures:**

None

**Miscellaneous Business:**

Janet said Springfield Power needs to be decided on. Tamara said they read through the document and it stated the contract price for doing the assessment was budgeted at \$5,000. They are willing to invoice us \$2500 this year and \$2500 next year. The board has decided to go with that. Janet clarified that we would ask them to invoice us and then encumber the funds for 2021. Tamara said after a conversation it was better understood they weren't writing off the land value, that was included in the million dollars. The board is moving forward with his recommendation. Dick made a motion to accept this proposal. The motion was seconded by George and unanimously approved.

Meeting adjourned at 6:20p.m.

Jill Hastings  
Deputy Administrative Assistant