

BOARD OF SELECTMEN

DECEMBER 28, 2015

MEMORIAL BUILDING

7:00 P.M.

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

Selectmen present: Don Hill, Chairman; Leigh Callaway and George McCusker.

Others present: Bryan O'Day, Tom Duling, Delmar Putney, Amy and Paul Hoffman, Michael Downes, Michael Bruss, Chris Hall, and David Brown.

The meeting was called to order at 7:00 p.m.

Wonderwell Update: Mike Bruss and Chris Hall reported they will be a meeting with the architect, the engineer, the historic preservation office, and the fire marshal in Concord to review architectural and engineering plans. Funding is underway with about 50% of the funds necessary. The scope of the project is larger than anticipated so they are in the process of mapping out how best to proceed. They expect to get the safety measures taken care of and at least get the shell of the addition and roofline up. They will be shutting down in a couple of weeks and are not sure when the construction will begin. A completion date for the whole project is not known at this point. They may have to delay the re-opening, but will not open until all appropriate approvals have been granted. Don stressed the importance that all approvals be in place. All code compliance and safety measures must be taken care of before the facility reopens.

Conditional approval was granted for the Site Plan by the Planning Board. Chris has taken care the changes required by the Planning Board and will bring those to the next Planning meeting.

Concerns re: Village District of Eastman (VDE) project: Michael Downes; abutter and residents Paul and Amy Hoffman discussed concerns with timber cutting, clearing land and proposed plans for an office building on land on Wellfield Road. Mrs. Hoffman was concerned that more trees than permitted were being taken down. Don clarified the Intent to Cut Timber form for her. Mr. Downes stated that his property backs up to the lot in question and the lot has been cleared and he is now going to be able to see this new building and parking lot from his house where there was once trees. He stated abutters should have been notified this was taking place. The Village District should be made to go before the Planning Board as a business. Don noted the VDE is considered a municipality and not subject to the same zoning requirements as the public. An application for a building permit has been received and is before the Board for their review tonight. Mr. Downes stated the Village District or Eastman should be made to go before Zoning as Eastman still owns the land and they are not a municipality. An Easement was granted to the Village District by Eastman, to allow them to build an office on the property. He does not feel they should be exempt from Zoning since Eastman still owns the land. This is going to be an office, open to the public, with a large lit parking lot adjacent to his property and they need to comply with conditions of a business in Springfield's Zoning. Mr. Downes says

according to the Eastman bylaws, he should have been given a first right of refusal to purchase the property before the ECA conveyed any easement to the Village District. Mr. Hoffman says he spoke to Mr. Ken Ryder, the General Manager of the ECA and was assured that all abutters had been contacted about what was to take place.

Don extended appreciation to the abutters for their concern and noted the Board would take that into consideration when making a decision regarding the building permit. He stated, however, it is not up to the town to get involved in disputes between landowners. Mr. Downes stated the VDE has no jurisdiction. Eastman should have notified abutters and he should have been given first right of refusal. They own the land and should have applied to the Town for a change of use of the land. Mr. Downes will speak with Eastman and the VDE to voice his concerns.

The Selectmen agreed to table the building permit application process until they have had a chance to review this dilemma with legal counsel.

Zaleskas Property – Four Corners Road: Contractor, David Brown, met with the Board to explain the complexities of a building permit application he will be submitting. The Zaleskas' own two properties along the lake. They propose to demolish the former Fraize home with replacement in the same footprint. There is nothing being added to the exterior to increase the footprint and the house will be reduced from a 4 bedroom home to a 3 bedroom home. They will be making a non-conforming home less non-conforming. A site and septic assessment was done in 2012. Stearns Septic has run a camera through the system and found the system to be functional for a 4 bedroom home. David reviewed the environmental fact sheet and questioned whether a new septic design would be required. Bryan noted this matter came before the Planning Board and Mike from the Upper Valley Planning Commission did not think a new design would be required because nothing is changing in terms of the size of the building. Tom Duling will visit the site and the Selectmen will review the issue in more detail. David noted a new foundation will be poured, but it will remain a crawl space, not a full foundation.

Delmar Putney: Delmar stated he has been concerned with the unpaid taxes on the Kendall property of which he has a life estate. Amy is no longer living on the property. Mortgage payments to him are late. He has been told she intends to file for bankruptcy. He consulted a lawyer to see what he should do regarding his interest and was told to go see the Selectmen. He stated he cannot afford to pay the back taxes. The Selectmen noted they are not sure there is anything further they can do. They have voted not to take the property for taxes for now, but this is still an open issue. They have been told several times the taxes would be taken care of.

Minutes of December 14, 2015: Motion by George to accept as written, seconded by Leigh and unanimously approved.

Projects List: Leigh reported no changes.

The hydrant on Stoney Brook Road has not been done yet. The contractor has had other projects to complete in the good weather. Leigh moved to encumber \$4550 for the project. The motion was seconded by George and unanimously approved.

George questioned if there had been any more thought given to adding some money in the budget to buy more waste blocks and materials for a sand shed roof. They have most of the blocks and it would be simple to add a roof. He would like to keep this on the “radar” for next year.

Board and Department Updates:

Leigh reported the Library Trustee’s voted and approved extending the library’s Wi-Fi network into the meeting room and town office at the town’s expense. The Board had voted to approve up to \$500 on this purpose and wanted the work done this year if possible. Leigh stated he has not heard back from Mike at CCS but will call the office tomorrow. The Board agreed to extend this meeting to Wednesday, the 30th at 10:00 a.m. for the purpose of encumbering funds only.

The Trustee’s voted to hold off selecting a new librarian until a committee can be formed.

Primary Elections are to be held February 9th. Cynthia has requested that the Town Hall be opened as the Fire Department Meeting Room does not meet the requirements for an election. Mason will be scheduled to re-open the building and the Board will defer to him whether to then close the building for the remainder of February and re-open for Town Meeting in March.

George noted he will be available at the elections all day. Leigh stated he will be able to be there some of the day, but has a budget meeting that evening. Don will be able to be there at the end of the day.

Planning Board: Leigh reported, the Planning Board voted to hold a hearing for amendments to the Zoning Ordinance at their meeting on January 21st. Two-lot subdivision for Cass was approved. The Bond and conditions of approval for the Lindquist property on Sanborn Hill Road was discussed. A renewed bond has been received.

Correspondence:

Election Law Training January 27th from 6 – 8:30 p.m. at the Fireside Inn in Lebanon

Notice from the firm of Gardner, Fulton & Waugh regarding two new associates and the opening of an office in New London.

An e-mail was received from the Conservation Commission requesting the reappointment of Daphne Klein to the Board. Motion by George, second by Leigh, unanimously approved.

The Board reviewed the building permit applications from Victor Rifkin of RSM @ Camp Sunapee. After reviewing the applications and comparing them with the Site Plan that was approved in 2009, the Board agreed to refer Victor to the Planning Board for an amended Site Plan. Tom noted Victor will also need to seek a Variance as a proposed addition does not meet setbacks.

Don discussed with the Board modifying the building permit and increasing the penalty for building permit applications filed after the fact. Recently the ATF fee was misinterpreted as a choice and not a penalty. There have been too many times where a permit is not obtained prior to construction. The penalty does not appear to be enough. Recommendation for a penalty was discussed. Leigh moved to approve changing the building permits and penalty to: "penalty for after the fact applications will be \$100 or 10% of the building value, or whatever is greater". The penalty will be effective February 1st. The motion was seconded by George and unanimously approved.

Don reviewed the signage proposed by Star Lake Farms for the Right of Way on Class VI roads. There are two separate signs, one with snowmobile access and one without. The signs depict what is permitted. This will be reviewed again at the January 11th Selectmen's meeting.

Tom stated he has been told by a good source that there are two apartments in the house ("barn") on the point. The Selectmen agreed to have Tom do an inspection. The attorney representing the owner, recently assured the Selectmen that this would not be the case.

Tom also stated it appears Mike Hansen may be building a road to the lots that were created by subdivision which might involve some wetlands crossings. The Board discussed whether there are permits for this.

At 8:40 p.m. the Board voted to continue this meeting to Wednesday, December 30, 2015 at 10:00 a.m. to encumber funds for Wi-Fi connection in the meeting room and town office.

December 30, 2015

10:00 a.m.

The Board reconvened the December 28th meeting. Selectmen present: Don Hill, Chairman, and Leigh Callaway.

Village District of Eastman Update: The firm of Gardner, Fulton, and Waugh also represent the Village District of Eastman. Therefore, it is a conflict of interest to advise the Town regarding whether it is ok to approve the Village District's building permit application without other zoning or planning requirements. The Board agreed to proceed as planned, and will seek an opinion from a different legal firm.

Wireless Network: Invoice from Certified Computer Solutions for \$466.00 to implement wireless connectivity in the Protectworth Meeting Room and Town Office. Motion by Leigh to encumber the \$466.00, seconded by Leigh and unanimously approved.

Conservation Commission: Appointment form for Daphne Klein was signed.

The meeting was adjourned at 10:15 a.m.

Submitted by,

Janet Roberts,

Administrative Assistant

DRAFT