

**BOARD OF SELECTMEN**

**MAY 8, 2017**

**MEMORIAL BUILDING**

**4:00 P.M.**

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

Selectmen present: Leigh Callaway, Chairman; and Dick Hendl. Tamara Butcher was absent.

Others: Whit Smith, Bryan O'Day, Mike Lawlor, Keith Cutting, Ken and Tanner Jacques, and Jill Hastings. Kris and Max Carey.

Leigh called the meeting to order at 4:00 p.m.

Whit Smith was present and reviewed the following report with the Board.

REPORT from ZONING COORDINATOR. -- Board of Selectmen Monday, May 8, 2017.

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

Applications for Permits – To Be Considered:

1. Loretta & Edward Stammer, 586 Philbrick Hill Road; Application for Permit for pedestal mounted solar panel array. Application complete with drawings. Location identified and staked. No setback issues. No wetlands buffer issue, Structure no more than 35' tall. Zoning Coordinator has viewed the site location and discussed plan with Mr. Stammer. Recommend APPROVAL.

2. Sam Vidal, 2035 George Hill Road; Application for single family residence. Mr. Vidal was granted a variance (new residence, 5' encroach into McDaniel Marsh buffer) at the May 2, 2017, ZBA meeting.

Background: Mr. Vidal was previously granted a Zoning Permit, but he re-engineered the septic system for the house. As a result, he proposed to site the house in a slightly different location. Mr. Vidal has provided a detailed plan view map showing southeast corner of the building now encroaching a few feet into the 660' McDaniel Marsh wetland buffer/wildlife corridor for which he received the variance. Accordingly, his application for Zoning Permit has been amended and should be reconsidered. No other changes to the original Zoning Permit application. Recommend APPROVAL.

Applications for Permits – RECEIVED, Acted Upon; NONE

Applications for Permits – RECEIVED, but PENDING Further Action

3. Attiya Mirza, agent for UPLA5AC, 378 Stoney Brook Rd; Application for permit to build a 4' x 8' structure. No further action since last BOS meeting. Meeting with Applicant set for Tuesday, May 9, 2017

4. Mr./Mrs. Martin, 566 Hogg Hill Rd; 12' x 20' shed constructed without zoning permit. Zoning Coordinator met with Mr. Martin and he indicated that he is prepared to move the shed and file an Application for Zoning Permit (after the fact). Mr. Martin is currently deciding on the exact location where to move the shed to comply with 35' side yard setback requirement.

#### Other Matters.

A. Mr. Rifkin – Camp Sunapee. Email sent to Mr. Rifkin. No reply; still open. Snow gone.

B. Inquiry from Mike Howard regarding parcel next to McDaniel Marsh; whether fencing can be installed in the 660' buffer to create pasture land for horses.

C. Inquiry from Susan Hankin-Birke regarding installation of staircase in an existing single family residence.

D. Emails and conversation with Selectman Callaway regarding delegation of authority for zoning permit approvals and Class VI Road Notice from Town to landowners seeking zoning permits.

<< RWS 5/7/2017 >>

Leigh reviewed the current zoning permit process. In the interest of streamlining straight-forward applications and giving the Zoning Coordinator authorization to approve those zoning permits a Delegation of Authority from the Board of Selectmen is required. The Policy is as follows:

### Statement of Policy Delegation of Authority to the Springfield Zoning Coordinator

In cases where application for zoning permit complies with the Springfield Zoning Ordinance, the Zoning Coordinator is delegated with full authority to approve zoning permits. Zoning Coordinator may advise Town Officials of the nature of the zoning permit application in advance of issuing the permit. Town Officials are requested to express their opinion (not approval) of whether they see any issues with the permit application. If there are concerns or questions the Zoning Coordinator shall have full authority to delay issuance pending discussion with the Board at their next meeting.

Nevertheless, Zoning Coordinator may in his/her discretion decide to issue the requested permit or defer until the next following BOS meeting.

This delegation does not include:

- a. Denial of a zoning permit. Instead, when the Zoning Coordinator determines that the application does not meet conditions in the Zoning Ordinance, he/she shall forward the application to the Board of Selectmen, the Zoning Board of Adjustment or the Planning Board as appropriate for action.
- b. Approval of zoning permits where access is via a Class VI road or private road.

All applications for Zoning Permits must be acted on in a timely fashion.

Leigh moved to approve the Delegation of Authority to the Zoning Coordinator, Whit Smith. Motion was seconded by Dick. Motion passed.

Kris and Max Carey came in to show the Board the Free Lending Library case Max and his family built for a book lending library to be located at the beach this summer. Pete Abair has approved the location and the case will be installed soon. 4H members of the Protectworth Pals 4H club will be responsible for maintaining the book supply. The Lending Library is a project that Max did for 4H and is gifting to the town as he and his family are preparing to move to Iowa. The lending library has been registered with the Free Library Website. Leigh moved to accept and approve the installation at the beach. Motion seconded by Dick. Motion passed. The Board thanked Kris and Max for the gift.

Ken and Tanner Jacques: Ken stated they have been following the minutes regarding changes that are being discussed and could have an impact on property on Class VI roads. He came to the Board late last year the property they were purchasing with their access as per the subdivision on Webster Pass. They were told by the Selectmen at that time, they would be required to complete a "waiver" (Notice of Limits) and would be ok to proceed. Ken questioned if the new policy would change that. Plans and contracts are being completed now, and he expects applications will be submitted within the next week. Webster Pass has been improved to the first lot (Roger Kidder) and they will be improving about 80' more to get to the driveway. Webster Pass ends at the end of their lot. He has reviewed the driveway location with Rod Agent, Pete Abair. Ken was concerned there may be a moratorium for building on Class VI roads and wanted to be sure he would not be held up in the policy update progress. Leigh noted the applications cannot be held "hostage" while the Selectboard works out the details of the Policy. Dick noted there are a lot of details to work out before adopting a policy. Private Roads are also part of the requirements that must be made part of the policy as per the RSA.

Leigh extended thanks and appreciation to the "road crew" for their work Thursday and all Weekend to have the cemetery ready for Frank Anderson's funeral service. Condolences to Frank's family. He is going to be greatly missed.

Minutes of April 24, 2017. Typo on page 2, second paragraph from the end, "leaned" should be "learned." Dick noted on the April 24<sup>th</sup> meeting he stated an offer had been accepted. He misspoke, and the offer had not been accepted. The candidate has now accepted the offer. Dick moved to approve the April 24 minutes as amended, seconded by Leigh. Motion passed.

Minutes of April 26, 2017 was the one-off meeting with representatives from Fairpoint regarding their plan for vegetation control in the ROW through town West to East? Leigh moved to approve the April 26, minutes, seconded by Dick. Motion passed.

Class VI and Private Road Policy per RSA 674:41 – Leigh reviewed the draft of the “Talking Points” document he prepared to assist in establishing the policy required under State Statute. He would prefer to work on this when all three board members are present. Motion by Leigh to table further discussion and review to Wednesday, May 10<sup>th</sup> at 1:00 p.m. Dick seconded the motion and the motion passed.

Keith Cutting questioned how the Board can be sure they are applying the policy to an appropriate class of road, and are they familiar with what may or may not be a Class VI Road? He gave an example of research he has done. He stated in 1950 the NH Department of Safety identified all Class VI roads in the State, using copies of town reports, showing petitions, conversions, maps and rough surveys, and describing lengths etc. Information on Class VI Roads from the 1950’s forward would be available in Town Reports. Leigh stated the Board needs to focus on getting the policy in place first.

Leigh stated the website update will be completed as of 5/12/2017. There may be some changes in appearance. The update will resize data, based on the size of the device being used to look up website information since so many people access the website from phones, or tablets, etc.

Leigh reported he researched Wi-Valley internet services for the Fire Department. Installation would be wireless. The cost would be \$400.00 and 76.00 per month. He spoke to Pete Lacaille. It would be up to the Fire Department to approve as it will come from their budget.

Leigh stated with the passing of Frank Anderson, the Cemetery Trustee’s will be looking to find someone to take over the work. He has found through his research into State Statutes it is up to the Trustees to choose and supervise the work done at the cemeteries. The Cemetery Trustees have shown interest in Peter Abair’s proposal to change Cody Patten’s position to full-time. Leigh noted this should be done as part of a public session and he would like to invite the cemetery trustees to attend the next meeting of the Selectboard. Dick agreed. Leigh shared a spreadsheet he had put together to see what the budgetary impact would be to add a full-time employee for the remainder of the year, and what the cost would be for a full year. Leigh stated he felt the added expense can be covered through re-allocation of existing cemetery budget. Dick questioned whether this would be a temporary or permanent change. Leigh noted that would probably be part of budget discussions for next year and the Cemetery Trustees would need to take that into account. Leigh stated he is confident, under Pete’s direction, adding Cody at the Cemetery and with Tim Hayes, priorities will be established and the cemeteries are going to be taken care of.

Mike Lawlor questioned whether there was a good map of burial plots. Leigh reported that Tamara has digitalized some, and Chuck Moore, a former Cemetery Trustee knows of some. The Trustee’s will be trying to work this out.

Correspondence: Noted e-mail regarding the status of personal property at 742 Stoney Brook Road. The

Town took the property by Tax Collector's Deed in October 2016. Leigh noted he has asked Tim Julian to take a look at the property. Janet will contact legal counsel about the status of personal property. Leigh shared potential issues of divesting of tax deeded property prior to the three-year look back period. Leigh moved to not divest of the property at 742 Stoney Brook Road, until the three years is up, which would be after 10/24/2019. Dick seconded motion. Motion passed.

Dick reported in his research of town-owned parcels in Eastman, the Eastman Community Association is the abutter of a lot of the parcels. Some of them need to be offered back to the ECA first, as part of the deed conveyance. The town has owned some for 8 years or more, and some have not met the three-year mark. He wondered about waiting until they all have been three years or more. Leigh noted he would be in favor of offering the older ones to get them back into the tax base, if possible.

#### Board and Department Updates:

Dick reported the Library Trustees are trying to find money to do significant renovations to the interior of the library. They are currently going through their funds to see what has been delegated to scholarships and what may be available to use.

Dick noted, the Library Trustees are also interested in putting up one of the "blue" street signs, advertising the library. Leigh thought the State of NH would have something to say about signage in their right of way. Leigh would also like to see what Pete thinks of it.

Dick reported the emergency lighting at the fire department is not reparable. He has a quote for 750.00 to make the repairs. Purchase order approved.

The Conservation Commission had modified success with Green-Up day due to rainy weather.

Leigh reported the road crew made good use of the chipper. It was returned today.

Leigh reported Tim Julian has been managing the lake level and maintaining the dam at Lake Kroleemook. He extended thanks to Tim for doing so.

Leigh reported on a situation on Oak Hill where a resident blocked water flow into a catch basin in the town easement and sent water onto a neighboring property. Leigh has spoken with them via phone. He and Pete will meet with them and the neighbors at some time. In the meantime, Cody has put in a water bar to diver the water back into the catch basin. Leigh shared a copy of the letter he drafted to send in follow-up. Motion by Leigh to send the letter, seconded by Dick. Motion passed.

Signatures: Intent to Cut Timber approved for Northwoodlands on Shad Hill Road  
Solar Exemption approved for property on George Hill.  
Yield Tax Assessments reviewed and signed for Grant, Weathers, and Morrison.

At 5:40 p.m. motion made by Leigh , second by Dick to continue this meeting to Wednesday, May 10<sup>th</sup> at 1:00 p.m. for further discussion and review of the Draft of Policy Regarding Construction on Class VI and Private roads.

Submitted by

Janet Roberts,  
Administrative Assistant