

BOARD OF SELECTMEN

March 22, 2021

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 Amy Lewis

Others: Whit Smith, Sergeant Beaulieu and Jen Roberts

Zoom: Leigh Callaway, Marla Binzel, Jonathan Silver, Janet Hendl, Wayne Smith, SueAnn Kazenas, Tim Bray and Chad Demarest

Tamara made an announcement to the zoom attendees. If anyone on ZOOM is having any issues hearing the meeting to please put a comment in the chat section or raise your hand so they can address the matter.

Tamara started the meeting by welcoming our new selectboard member, Amy Lewis.

Dick nominated Tamara to continue on as chairperson because she has done a good job. This nomination was seconded by Amy. Dick and Amy voted in favor; Tamara abstained.

Tamara nominated Dick to continue as vice chair. This nomination was seconded by Amy. Tamara and Amy voted in favor; Dick abstained.

Janet asked for a caller on zoom to identify themselves. The caller was SueAnn Kazenas. Tamara asked SueAnn if she was able to hear the meeting ok; there was no response given.

Zoning Permits:

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, March 22, 2021.

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

Application for Permit – Acted Upon, APPROVED

1. Mr. Shane Wiltshire, 404 Sanborn Hill Rd, wants to build a two-car garage (with lean-to “carport” on the back) next to the shed he put in last summer (permit approved). There are no setback or wetlands issues and the covered “lean-to” at the back will be used to store a tractor. The structure will be less than 35’ tall. Zoning Coordinator has visited the site and viewed the location; and discussed the project with the applicant. No observed home business or commercial activity; applicant has represented the same on the application. Zoning Permit APPROVED per delegation of authority.

Open Applications - In Hand, But NOT Acted Upon.

2. Rylee Preston, 112 Philbrick Hill Road, additional Zoning Permit application to build roof over deck (creating porch), created entry vestibule; add roof over-hang around planned structure and garage. After meeting with Mr. Preston, we are holding the application pending modification to include garage and payment of additional fees.

3. Mr. Jonathon Silver (Jonathan Silver LLC), 27 Sandy Beach Road (private) would like to improve his lot by adding a 15'x15' bluestone gravel patio between the house and Kolelemook Lake and a couple of bluestone walkways (parking area to deck and deck to proposed patio area). The lot is just over ½ acre and Sandy Beach Rd (12'± - gravel) bisects the lot. Taking into account the 100' setback from the lake and the 35' setbacks (sides and rear), there is nothing in the allowable building footprint other than wetlands. Maps are attached to this report. The good news – the total square footage of the walkways is less than 100 sq.ft. Accordingly a Zoning Permit is not required for the walkways. The bluestone gravel patio is a different story. Mr. Silver is proceeding to file an application with the NHDES under the Shoreland Protection Act for a Permit By Notification. Assuming the NHDES allows the permit, the question becomes how to treat Mr. Silver's Zoning Permit Application for a patio larger than 100 sq.ft. between the house and the lake. (Note – the entire house is inside the setback.) See Zoning Ordinance for the Town of Springfield, as amended (2018), Appendix A1 at page 53.

4. David and Elizabeth Erickson, cabin off Morrill Road. No further action pending final plan from applicant. Applicant has been advised accordingly.

Other Matters.

A. Attended Planning Board meeting. Application for merger of three lots on Baptist Pond approved. (Ruel)

B. Additional consultation with resident property owner regarding whether 6.5 acre lot can support two (2) dwelling units per prior Planning Board decision. Research into the matter with assistance from Land Surveyor who updated maps in 2009. (Vassallo)

C. Received email suggestions from resident regarding drafting of ordinances, standardizing (and modernizing) procedures for various applications, automating some processes so landowner applicant might “pre-determine” steps necessary in land use applications. Brought the suggestions to the town Planning Board. (Denniston)

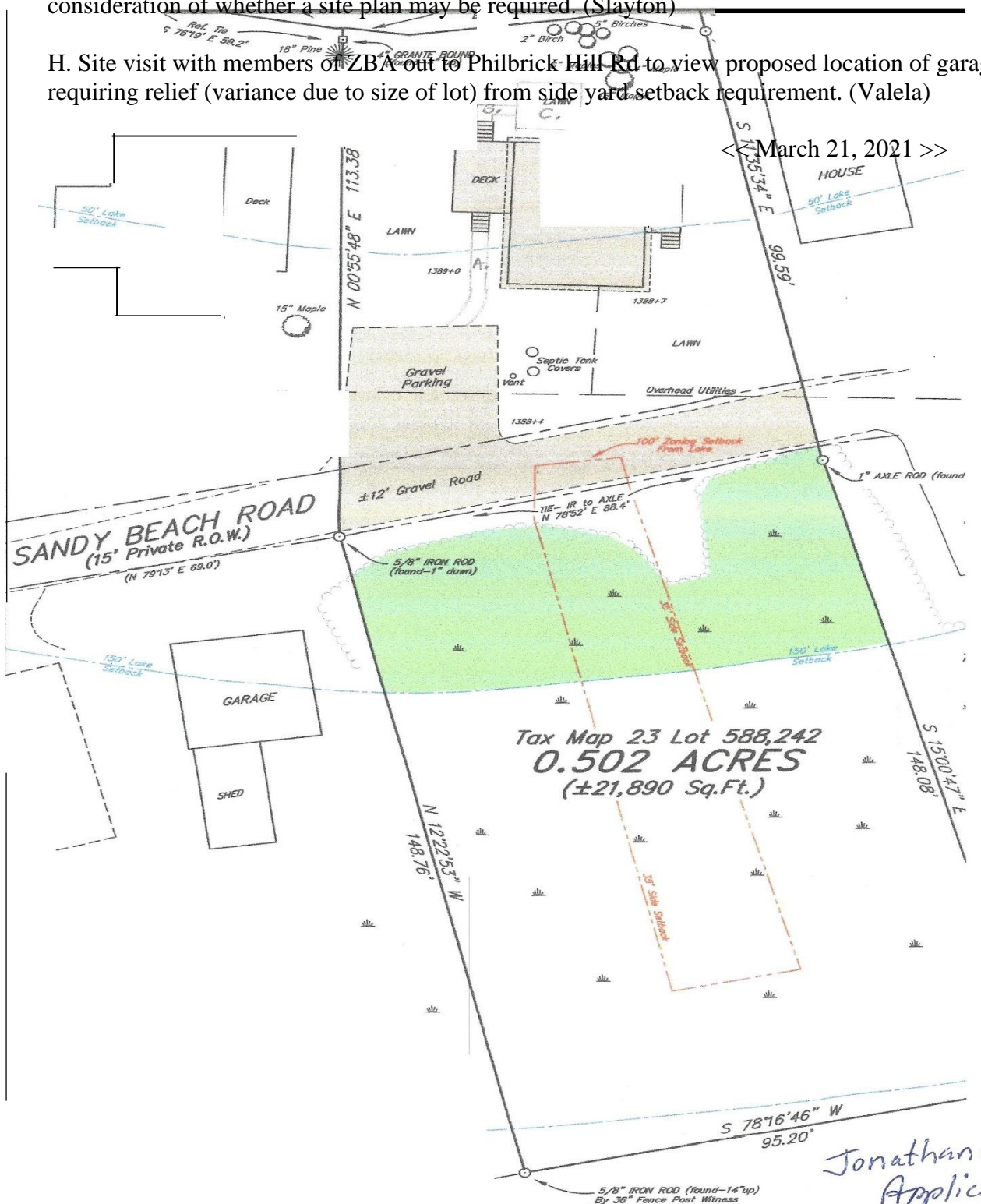
D. Responded to resident regarding results of town-wide survey (Cutting).

E. Assisted resident on Philbrick Hill Road regarding ZBA application for Special Exception for placement of planned garage requiring relief from side yard set back requirement (Gilbert).

F. Communicated town position regarding land-owner query pertaining to placement of a garage that might be in conflict with a restrictive covenant in the property deed. (Green)

G. Inquiry from Federal BATF investigator regarding application for Federal Firearms License from a resident seeking to engage in the manufacture and sale of firearms as to whether there are any zoning requirements. Responded and referred matter to the town Planning Board for consideration of whether a site plan may be required. (Slayton)

H. Site visit with members of ZBA out to Philbrick Hill Rd to view proposed location of garage requiring relief (variance due to size of lot) from side yard setback requirement. (Valela)





Whit is continuing to work with Ms. Vassallo (item B) regarding the 6.5-acre lot on the corner of Colcord and Main Street. Whit made it clear to her that until there is a resolution of the apparent ambiguity, the records in the file indicate that lot does not support two dwelling units or does not support an application for a subdivision. This is what the planning board decided over ten years ago. Whit has been in touch with Clayton Platt, who did the drawings. The drawings do say four acres of upland and 2.5 acres of wetlands. However, from the conversations it appears this may be Mr. Platt's view that this lot would support two dwelling units. Whit will review this further, he received additional maps on Thursday. If Mr. Platt is of the opinion that it will support two dwelling units, or even a subdivision, then, similar to what we did in the case with the Laurie's, he should write a letter to support that decision. Then it may be possible for the applicant to go forward.

Dick asked what factors have changed to cause Clayton to change his mind. Whit said several things. First, the state's definition of wetlands has been sharpened in the interim. Whit is not completely clear about what changes were made, but there was a 10,000 square foot criteria which has been eliminated, and there are other criteria which have been added. The wetlands mapping tool that we are using from 2016 uses the new criteria, and that shows only the pond and all the other wetlands are on the other side of Colcord road. The stream through the property is also clearly detected in the tool that we are using. Whit does not understand completely the basis for the wetlands that are shown on the map. However, he has been over there and there are cattails around the pond, which is an indication of wetland soils. However, there is also a large area in the center of the property that appears to not be wetlands, but it is marked as a wetlands

area on the map. Whit prefers to have Mr. Platt tell us what has changed rather than himself. If he thinks something has changed it should also be documented with written correspondence so that there is a clear record on file.

Dick asked if Clayton is the final adjudicator of what is decided. Whit said that is an interesting question. Whit believes Clayton is qualified to determine whether there are wetlands or not, but he is not sure. Here the owner is trying to show that wetlands don't exist, consistent with our mapping tool. What contradicts the mapping tool is in an earlier survey that may have been really focused on a septic plan. Without that prior history there would've been no question, based on our mapping tool, that the lot would support two dwelling units because it's just not depicted on the more modern view. The good news is, in Ms. Vassallo, we have a cooperative and patient person who understands what's going on and would be very comfortable letting the process play out. Whit will be curious to know if Mr. Platt wants to revise the map based on new regulations. The map is very clear that it is based on the regulations at the time, and if that's the case Whit will make sure Mr. Platt and Ms. Vassallo are the ones working on this.

Dick stated in the past there has been either a requirement or suggestion to have a certified wetlands scientist come in and do some work, and asked if that would be appropriate in this case. Whit is not sure but will ask. Amy said that was a question of hers as well, could they have an independent PE to verify, especially with the changes from DES with the wetlands. Whit said that would be Ms. Vassallo's choice on how to approach that. Janet added that the planning board can require that she have that, and under those kinds of conditions if the planning board makes a recommendation to have a specialist come on board it is the burden for the individual doing work on their property to pay for the official. Whit said based on recent experience, that will be made clear in this case to the applicant/landowner.

Whit said the planning board did discuss something similar the other night, and he feels we will start to see, from the planning board, stricter criteria in creating a more consistent compliance record and also a more consistent set of requirements to applicants. Whit sat in the meeting the other night and people on both sides of the isle were saying we need to have more clarity. Tim Bray as the new chair of the planning board was all over that. Tim Bray would like to discuss with Whit the kinds of things that would be on the checklist. Whit regards that as a very positive step but thinks our town folk may regard it as further government intervention and perhaps even a little onerous. Let's just be prepared.

Whit received an email from a resident advising on consistent drafting of ordinances and a number of other factors. Whit compiled and presented the emails to the planning board on Thursday night. Whit also invited the resident to be present, which he was. He attended through zoom. Whit knows he communicated very accurately what the resident had said because he gave the planning board copies of everything. The resident, following that, said he was taken by surprise, he thought Whit would be making a presentation of his ideas. The planning board expressed their appreciation for his suggestions.

Whit brought the boards attention to item G. This was an inquiry from the bureau of alcohol, tobacco and firearms regarding a resident in town who wants to obtain a federal firearms license. This went to the planning board and it is Whit's understanding they are inviting that individual in to discuss the specifics around his plans because they need to decide whether that constitutes a home business or even commercial activity versus a home occupation. And it's a reminder if that activity falls into the category of a home occupation than no site plan would be required. If it's a home business, he'll have to file a site plan. The investigating inspector from the ATF wanted to know if there were any zoning regulations in town that had to be complied with; that is how this came up.

Finally, Whit attached two pictures with his report regarding the property owned by Jonathan Silver LLC down on Sandy Beach. This is the sort of case that Whit finds compelling because there isn't much to what the applicant wants to do, it's either a 15x15 or an 8x24 bluestone gravel sitting area, which under our ordinance qualifies as a patio which means it needs to meet setback requirements. Mr. Silver is placing the patio/bluestone gravel sitting area outside of the shoreland protection act distance from the shoreline so it's highly likely he will obtain the shoreland protection act permit by notification. However, he still has to meet work with the town setback requirements. Whit said he was very cooperative on the phone. Unless there is some way around this Whit thinks he'll be required to obtain a special exception. Tamara is surprised a special exception would be needed for bluestone. Marla, chairperson of the conservation commission, has spoken with Dan Saulnier who is their civil engineer, DES considers bluestone an impervious surface. Mr. Silver asked what material is allowable for a patio, for instance, the bluestone he referred to are slabs they are not crushed stone. It's not a solid piece of concrete, there are sections within each piece of bluestone which allows for drainage. They would put down the right material under the bluestone for drainage. They would do everything to comply for the proper drainage needed for the patio. Mr. Silver asked what material is allowable to put in a patio. Whit stated what he wants is allowable, the problem is that it constitutes a structure under our zoning ordinance and therefore, in order to be able to do it, you need a special exception from the zoning board of adjustment. Mr. Silver asked if he had a chance for this to pass for a special exception through the zoning board. Whit will be happy to discuss this with him in the process of putting together an application for a special exception. Mr. Silver, in looking for clarification, asked that with a more detailed plan presented should he proceed to then apply for a special exception. Whit answered yes and added that the plan he presented is detailed enough with two modifications. Mr. Silver will need to show the distance to the waterline. Additionally, he will need to show the change in size from 15x15 to 8x24. Mr. Silver said this change was made to comply with the twenty-foot setback from the shoreline.

Tamara said in Whit's report we need to remove bluestone gravel patio and just state bluestone patio. Whit stated he will fix that in his next report. Tamara thanked Mr. Silver for the clarification as to what the bluestone is going to look like. Mr. Silver thanked the board for including this on their agenda today.

Minutes of March 8, 2021

Tamara provided a couple of corrections to the minutes. The corrections were as follows:

-Dick was able to download, but never ~~go~~ got the follow up email they referred to.

-George said they were basically talking about the level, perch, which is already included in the plan. It is unclear to the board what George was talking about, and the plans will be forthcoming. Dick made a motion to accept the minutes with the discussed corrections. The motion was seconded by Tamara. Tamara and Dick voted in favor of the motion; Amy abstained.

Unfinished Business:

Janet did some research on unfilled departments that we had. Cemetery trustee, since Annette Granger received 16 write in votes, that is considered an elected position, so she is all set. Angela McCreighton, her timeline got messed up because she was appointed and then ran for two years, which resulted in Angela being left off the ballot. The selectmen need to appoint Angela to a one-year term and then in 2022, if she wants to continue in the position, she or someone else will run for a two-year term. The same with the trustee of trust funds. Leigh Callaway has expressed an interest, or said he'd be willing to be the trustee of trust funds for the one year and will take a look at things next year to decide if he wants to continue. Janet has paperwork filled out for Angela McCreighton as treasurer and Leigh Callaway as trustee of trust funds. Tamara thanked Leigh for stepping in. Dick made a motion to appoint Angela and Leigh each to a one-year term for their respective offices. This motion was seconded by Amy and unanimously approved. The appointment paperwork for Angela and Leigh were signed by the board. Janet explained to Leigh that he will need to stop into the office to sign his oath of office.

New Business:

Tamara explained to Amy how they've done the process of assigning department liaisons in the past, which is basically just going around and everyone picking what they would like to represent. Tamara and Dick have spoken about the departments. Dick has had police department for four years now and considering what's going on, been going on and going to be going on they feel it would be best if he stayed with that. Janet pointed out that the representative for the budget committee gets elected by the board members, because they are a voting official, same as the planning board; they become a voting official on those boards. The rest of the boards are more voluntary. Janet explained that the emergency management/safety is more in line with the phone call received by Primex today reminding us that if we don't have our safety policy and haven't had any safety committee meetings and all of that up to date that the department of labor is going around doing inspections and recommends that we have a meeting sometime soon. That is what that committee is, and we need a selectboard member to serve on that committee. Amy stated that it is more or less new, there is no established meeting pattern. Janet said we tried to do it quarterly, but it always seems to get put on the back burner.

Tamara will be the liaison for the following departments: Highway, Budget Committee, Conservation Commission and Cemetery.

Dick will be the liaison for the following departments: Police Department, Personnel Administration, Buildings and Grounds, Computers/Internet, and Library.

Amy will be the liaison for the following departments: Emergency Management/Safety, Recreation Committee, Planning Board, Zoning Board of Adjustment and Fire and Rescue.

Dick made a motion to elect Tamara as a representative on the budget committee and Amy as a representative on the planning board. The motion was seconded by Amy and unanimously approved.

Dick mentioned an email that he received from the NH Municipal Association discussing the America Rescue Plan. Dick emailed Becky a question about this being administered like GOFFERS was administered or is it just a block grant. Dick said scrambling around for that first grant was a bit of a problem. When he gets a response he will make it available as soon as he gets it.

Board and Department Updates:

Dick said the library trustees meet on Thursday and they will have a plan to institute that new museum pass policy. Tamara asked if the library has gotten any applications for their scholarships. Not that Dick is aware of.

Tamara shared that the highway department worked on Town Farm road, they put gravel down on the end towards route 4A today. Philbrick Hill is still pretty frozen so they aren't going up there, and they plan to go to Sanborn Hill tomorrow. They did take the wings off the trucks.

Janet added that Marla may have a report to give on the conservation commission since George is not here. Tamara asked if Marla had anything she wanted to share with the board from the meeting. Marla said she doesn't have anything to share as that wasn't her main reason for attending the meeting. Tamara asked when they meet during the month. Marla announced it is the first Thursday of the month.

Correspondence:

Letter from Department of Environmental Services regarding dam inspections. Springfield is on the list for a dam inspection this year. They should be reaching out to us about scheduling a time for this inspection.

Signatures:

Request for intent to cut timber.

2 Veteran's credit applications. Both applicants qualify, however page two was not included with their application. Janet will print page two for the board to sign.

Miscellaneous:

Janet said that Tamara had mentioned that a truck might be available, and asked what that would do to the first years payments. It doesn't really matter, we can buy a truck when it becomes available. The selectmen get to choose how the first years payments would be taken care of.

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You aren't tied to \$5,000 for the first year's payments. If it turns out they are going to be \$7,000 you just need to have an idea where else in the budget that extra \$2,000 may come from. It's also possible that the truck is not going to cost the full \$170,000 that was appropriated, so there is some wiggle room in that respect too. Dick asked if Tamara knew the earliest date the truck could be delivered. Tamara said the truck could possibly be ready next month. There is a truck already done that just needs a stainless-steel body put on it. Pete is going to talk to them either tomorrow or Wednesday. Tamara did mention to Pete to ask about financing.

Janet informed the board that we have received a current use application from Mr. and Mrs. Jenkins on George Hill road. Their application, mapping, does not appear to be complete considering what exists on their property for land that should not be in current use and they have some other ideas about that. This has been an ongoing situation with them, three or four years. They have been in touch with Sam Green at the department of revenue and he is going to try to get them to complete something that will be acceptable. There is a possibility this might be coming before the selectboard to decide whether to accept it or not.

At 4:59 p.m. Dick made a motion to enter into non-public session to discuss personnel and litigation per RSA 91-A:3.

The board moved back into public session at 5:18 p.m. Dick made a motion to seal the minutes discussing personnel and litigation. The motion was seconded by Tamara. Dick, Amy and Tamara all voted in favor of the motion.

Dick announced to continue the meeting until tomorrow at 4pm so that we can bring this to a resolution and that would be under personnel.

Dick invited Sergeant Beaulieu back into the meeting to announce that the board has voted to appoint him as the OIC – Officer in Charge. Tamara congratulated Sgt. Beaulieu and thanked him. Tamara stated Brandon will be here tomorrow at 4pm and the board would like Sgt. Beaulieu to join them. Dick provided Mike with a copy of letter he has prepared for Brandon so that it can be delivered to him this evening.

The meeting was continued to tomorrow at 5:26 p.m.

Jill Hastings
Deputy Administrative Assistant