

BOARD OF SELECTMEN

April 12, 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: Mike Lawlor, Lars Mester, Sarah Anderson, Whit Smith, Marla Binzel, Sergeant Michael Beaulieu and Ryan Peterson
Zoom: SueAnn Kazenas

Sarah Anderson was there as a representative of the rec committee. Many things have been discussed and now they would like to run some ideas by the board of selectmen to get some feedback. There is a lot of interest in starting a farmer's market. The committee is hoping they can use the rec field every other Sunday, from June to October from about 10 am to 2 pm as a space for individuals to come set up tables to sell their goods. Some questions for the board are as follows; would this be something they can do, would they be able to charge vendors, or would we only be allowed to request donation? Also, would this be covered under the town's liability insurance. Another thing the committee has in the works is a town wide yard sale, which has been tentatively scheduled for June 5th, which will coincide with the pulled-pork dinner. There was a request to ask if we could use the field because there may be people, for whatever reason, whose homes aren't easily accessible. There has also been discussion on the possibility of offering swim lessons, however the committee is not sure of the feasibility to offer this.

The committee has a volunteer wondering if he could rake the beach with his tractor. Pixie provided the rec committee with a bit of what has happened in the past, and now they are just looking for a little more clarification. There was some question about sand, would it be possible to get more sand? Janet said this volunteer would not be able to use equipment to rake the beach. That could only be done if this person provided the town with a certificate of insurance. Tamara explained that with the beach sand, there are a certain number of years that you can put a request to have 10 cubic yards of sand added to the beach. Two years ago, the town looked at putting sand on and we were not within that time frame yet to make that request. We will have to look to see when the next time we can request sand is. Dick said the state is pushing perched beaches and if you have a perched beach, you no longer fall under that restriction. However, the support for a perched beach was not very overwhelming.

Tamara said years ago the town did offer swim lessons. As far as insurance Tamara is unsure what is required. Janet said in the past it didn't require there be a lifeguard at the beach, but it required a red-cross certified instructor. Sarah said the idea was to have someone reach out to the Rivard girls about doing lessons. Amy stated she was holding off on speaking to the Rivard's until we determined what the liability was to the town. Tamara said we can look into the town's coverage to see what our options are.

Janet said there is certain indemnifications for town departments, but it's been so long not she's sure how that would work at this point. Janet added at some point the recreation committee needs to organize themselves and decide who's going to be a chairman and vice chairman and then the selectmen need to appoint those members. That would give some indemnification to those people for doing events on town property. Janet asked Sarah to get a list of the active members together and make recommendations for the board to appoint so we can have that on file.

Lars has spoken with some people in town about an email he wrote to someone regarding the recreation committee. One suggestion was an annual Christmas tree lighting to bring the town together. A big suggestion was producing an afternoon or day long bluegrass, old timey, country music festival on the field. Lars said there has been some pretty positive response to that. Lars feels this would go over really well. Lars has done some not for profit production stuff in the past, and could do a pretty effective job of advertising it and getting people in. Lars feels it would be a lot of fun for the townspeople and people from surrounding towns. Sarah invited Lars to the recreation meeting on May 13th. She added that the holiday tree lighting is already on their agenda. They have spoken about incorporating some sort of music at the farmer's market maybe once a month. The biggest issue will be money, would we be paying people to perform, not sure how that would all work yet. Whit suggests contacting Newport and asking how they organize their music events. It was also discussed that most surrounding towns offer free concerts during the summer months, could be helpful to see how others organize these events. Sarah said there is also a family field day in the works, it sounds like it will be smaller version of Old Home Day. It will be the same day as the 5k and also the chicken barbeque. Tamara said we will look into the insurance part of things before the recreation committee's next meeting on May 13th. The board thanked Sarah for her time.

Sarah stated the easter egg hunt was a huge success.

ZONING PERMITS:

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, April 12, 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.

2. Mr./Mrs. Andy & Doreen Oesch, 378 Town Farm Rd, would like to build a deck (18' W x 12' D) with adjoining stoop and rear door entry steps behind their house. Zoning Coordinator has been out to the site and discussed the plan with the applicants. This is a new permit application and proper fee (\$25) has

been paid. A permit for a deck (slightly larger, same spot) was issued in February 2012, but the deck was never built. There are no setback issues, no wetlands issues and the structure will be less than 35' tall. Although, to be noted - the depiction of wetlands on the ArcGIS Wetlands Mapping Tool for this lot is not accurate. Zoning Coordinator confirmed the location of the wetlands (non-designated, no buffer, seasonal stream) during the site visit. Corrected information is included in the permit application package. There is no evidence of home business or commercial activity and applicants have represented the same on the application. Zoning Permit APPROVED per delegation of authority.

3. Mr. Jeremiah Crosby, 1923 Main St., would like to build an entryway mudroom attached to his house. Zoning Coordinator has been out to the site and has discussed the project with Mrs. Crosby. There are no wetlands issues, no setback 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 APPROVED per delegation of authority.

4. Mr. Alexander MacDonald owns a spectacular lot on the top of the hill at #137 Becks Way (private road). There is a barn on the lot – nothing else yet – but he has plans to build a home up there. He would like to add a 12' lean-to style shed roof on 3 sides of the barn. Zoning Coordinator discussed plans with Mr. MacDonald. There are no setback issues (16.5 acres - >1000' in every direction), no wetlands issues and the structure will be less than 35' tall. There is no evidence of home business or commercial activity and Mr. MacDonald has represented the same on the application. Zoning Permit APPROVED per delegation of authority.

5. Michael Thomas is building a home at 219 Colby Hill Road (Zoning Permit for new construction previously issued – Sept. 2020). He would like to add 14 roof mounted solar panels to the structure for a 6.23 kW solar array. No set back or wetlands issues. Structure will be less than 35' tall. No home business or commercial activity. Zoning Permit APPROVED per delegation of authority.

Open Applications - In Hand, But NOT Acted Upon.

6. Mr. Shane Wiltshire, 404 Sanborn Hill Rd, wants to change the proposed location of the two-car garage with lean-to "carport" on the back (see item #1 above). Both the concrete contractor and the septic engineer have suggested a different location. Mr. Wiltshire is taking the advice.

7. Mr. Robert Thorp, 69 Shad Hill Road, wants to build a pergola on the patio that he built/installed last summer. Zoning Coordinator has been out to the site and has spoken to the applicant. The area for planned pergola is marked. There are no wetlands issues, no setback 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.

8. Mr./Mrs. Valela, 446 Philbrick Hill Road, would like to build a small (20'W x 24'D) garage next to their home. Problem is the right side of the garage will encroach 4-5 feet into the side yard setback. The Valela's have been before the Zoning Board of Adjustment and have received a Variance to place the garage no closer than 30' from the side yard lot-line.

Applications Reported Previously – Still Open

9. Ms. Rylee Preston, 112 Philbrick Hill Road, additional Zoning Permit application to build roof over deck (creating porch).

10. Mr. Jonathon Silver, 27 Sandy Beach Road (private) would like to add 15'x15' bluestone gravel patio between the house and Kolelemook Lake.

11. David and Elizabeth Erickson, to build a cabin off Morrill Road.

Other Matters.

A. Mr./Mrs. Steven & Amy Piispanen, 620 Stoney Brook Road, submitted a Zoning Permit Application to rebuild foundation; no change in footprint. Shoreland Permits have been obtained. After discussion with contractor, it was determined a Zoning Permit is not required for the project.

B. Attended Zoning Board of Adjustment meeting. Valela garage; Gilbert garage.

C. Inquiry from resident regarding maintenance of driveway. This was precipitated by discussion at prior BOS meeting where it was represented that bluestone is an impervious surface. (Callaway).

D. Considerable activity/review of materials and emails/calls with representative from FEMA, NH Office of Strategic Initiative and Consulting firm responsible for mapping the Contoocook and Pemigewasset Watersheds. Learned all about the "Black-Ottawaquechee" watershed that feeds the "Upper Connecticut River" watershed.

E. Inquiry regarding building on lot (63+ acres) at the end of Woodland Heights Road (Private) in Grantham. Private road is entirely in town of Grantham, but the lot is in Springfield. (Foley)

F. Inquiry from prospective purchaser of a lot on Brook Road that is, according to the Wetlands Mapping tool, entirely either designated wetlands or within the designated wetlands buffer (100 ft.)

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Whit stated that Shane Wiltshire (#1, #6) had to move the location of his two-car garage, which is why the application was processed a second time.

Mr. Thorp (#7) is building a pergola on the patio that was built last summer. A picture was included with the application for the pergola because it is perilously close to a gazebo. This pergola is clearly a structure. If someone wants to put up a \$200 fabric gazebo no zoning permit is required. However, for a pergola of this construction it is appropriate to have a zoning permit.

Whit met with Mr. Preston. He has additional zoning permit applications in the works. He's going to add a garage and also a back deck. Whit said they spoke on how to get that all in one or

two applications and have discussed the appropriate fees including the additional \$25 after the fact for the roof overhang.

Whit needs to follow up with Mr. Silver. He believes the way it was left is that he needs to file for a special exception in order to have the bluestone patio and that will be a zoning board matter.

We did receive a zoning permit application from Mr. and Mrs. Piispanen, which had actually been reviewed a year ago. There is no requirement for a zoning permit if you are not changing the footprint and you're only raising the house up a few feet. Whit spoke with Mike Howard, the contractor, and they do have their shoreland permits in place. So the permit application should be returned, and the fees returned if there were any paid. Marla Binzel also added that they needed a wetland's permit on that as well, which did come through the conservation commission.

Whit received an inquiry as a result of the discussion about bluestone and whether or not putting bluestone on the driveway for maintenance constitutes a need for a zoning permit. The answer is no it does not. However, you do need to have a driveway permit, or an existing driveway to do it. To clarify, this is crushed bluestone we are discussing not bluestone pavers.

There was more inquiry on the 63+ acre lot at the end of Woodland Heights. The lot is in Springfield however the private road is entirely in Grantham. These people need to go through Grantham and deal with the private road first. Whit feels if they have permission for a driveway cut, or whatever they need to have access to the lot from the private road in Grantham, then we can consider whatever plan they have.

Whit received an inquiry on a lot on Brook Road which is predominantly designated wetlands and with the buffers the entire lot is in wetlands or the wetlands buffer. Whit advised the prospective purchaser of that and has not heard anything back.

When Whit was up on Shad Hill he saw the work the Ingham's have done. It looks beautiful up there.

There is a resident at the end of Stoney Brook Road who wants to build a garage and a mudroom. There is a 35-foot setback issue, but there is also a restrictive covenant on the deed. Whit will be working with her and perhaps a local attorney to get some clarification. Whit asked for permission from the board of selectmen to contact Shawn Tanguay to discuss it. Technically a covenant that is running with the deed is outside the jurisdiction of municipal review, it's between the landowners. Whit doesn't know if our actual knowledge of the existence of the covenant affects how we consider what the landowner would like to do with the land under our zoning ordinance. Whit said the 35-foot setback is really what we are all about. The deed itself says that if the town grants relief on its setback then the covenant that restricts the deed will also follow, an unusual language that Whit has not seen before. It will require some research. The property owner brought the covenant to Whit's attention. From a purely objective analysis, our knowledge of the restrictive covenant is not a municipal responsibility to enforce a restrictive

covenant in the deed, that is between property owners and potentially mortgage lenders because it does cloud the title. Whit would like to talk to Shawn, because he might be missing something completely, with the board's permission. Amy would also like to hear what Shawn has to say about that too, just for clarification.

Whit went out to the lot on Town Farm road again today to listen to the noise at 7:45 this morning. He met Dick there, by accident. Whit and Dick went and listened to some noise. Whit has had three experiences out there and has to say he got a reading of 53 to 54 decibels on Saturday at 7:30 in the morning. Saturday afternoon, coming back from Shad Hill, Whit ran in to Mr. Hendl and they took a reading on route 4A and also reading up on a property on Town Farm road and there were two observations. First, it was windy on Sunday afternoon so Whit feels the reading was skewed, but it wasn't quite as loud as it was on Saturday morning. Second, the reading on route 4A was less than the reading on private property up on the hill. Dick said it was only about four decibels higher at the private property. Dick said that was his second trip out there, the prior one had the same reading on 4A between 40 and 44 decibels. It wasn't as early in the morning it was more during the early afternoon. Whit went out again this morning, knowing it wouldn't be windy, and there was a reading of 49 to 52 decibels. Not quite as loud by measurement as it was on Saturday morning. However, Whit's perception was that it was unmistakable, significant enough so that it was more than noticeable.

Sarah added that, as a property owner on Town Farm road, Friday night she stopped at her property to look at the stars in all this peace. There was no peace at 11:30 at night listening to that noise from the mill. Sarah and her husband are talking about what they will do with the property on Town Farm road because nobody, nor will any of their children, build a residential home over there. Sarah understands the mill has been there a long time, but it's unpleasant.

Tamara feels the next step is for the board to talk to Shawn again, and if he isn't willing to help us she thinks we need to find someone else that could give us a second opinion and see if there is something we can approach them with. The mill has given us what they are doing but, like Whit says, in our zoning ordinance there is an area that talks about obnoxious noise. Whit would like to participate in a conversation with Shawn, not in contemplation of litigation, but from a professional point of view. It's Whit's opinion that if there's a subjective standard in the ordinance, which this is, and that is not uncommon in legislation that it is the duty of the enforcing body to determine whether it's obnoxious or not. As the enforcing body, if the board of selectmen is of the opinion that it is an unacceptable ongoing situation, they are the initial authority on that determination. If you say it's no good, it's no good until there is further review or some sort of hearing in consideration on the matter. As long as you are consistent in those determinations, they will stand the scrutiny of any judicial review. So, it's up to the board members, and the board's successors. If the board finds that the occurrence of this obnoxious stuff is in fact obnoxious than until there is push back on that, that's the determination. Dick knows that he and Whit have disagreed about this in the past and will continue to do so, but he doesn't think that a subjective standard can be consistent. We've discussed this and Dick would like to talk to Shawn more about it before we proceed.

Whit would like to research the RSA's, because the annotations are the case law and judicial interpretations of those statutes. The NH state statute is very similar, if not identical, to what's in our noise ordinance. Whit is unsure if anyone has researched to see if there are any cases under the NH law, and if there are that would be quite helpful in terms of how you deal with this kind of thing. Dick reminded Whit there is a history over there and he doesn't know how that impacts the future. But there have been attempts in the past which have not been successful as far as he's aware of, and it's Dick's understanding that has an impact of what the situation is now. The board will need to talk to Shawn about this and bring him up to speed on what is going on because we haven't talked to him about this for close to a year.

Dick had one question on Whit's report. Under other matters, item D, he asked if we could agree that ball is in their court with the Contoocook/Pemigewasset watersheds. Whit said that is up to the board of selectmen. Whit advised the board that he was burning time and therefore town money and he's not planning to do anything more unless asked to do so. The board agrees to let this be until we are notified by one of them. Amy informed the board that a lot of this information is available on the state environmental services website, including all the watershed mapping.

Minutes of March 22, 2021:

Amy provided a correction to the minutes when entering non-public session.

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. By roll call vote this was unanimous. Dick made a motion to accept the minutes as amended. The motion is seconded by Tamara and unanimously approved.

Unfinished Business:

Dick has received another email from the coalition being led by the person up at Waterville Valley. They wanted to know if we wanted to sign on to that coalition. Dick had talked to the folks in Portsmouth the last time around, it turns out that senate bill 158 has been killed so there is no ongoing legislation. Dick would like to know if the board would give him permission to call the contact just to find out what their plans are. He knows they want to hire a lobbyist. The last time he spoke with them they did not want any contribution from the town, though things may have changed. Dick proposes if they don't want any financial contribution, we sign on until the next round. If they want a financial contribution the board would not have interest in it. The board agrees to that.

Dick interviewed two potential cleaning services; he is now waiting on proposals from both, which are expected within the next week. Dick has arranged with Marie that she will work through the first week in May. He would like to have at least one week overlap if we decide to go with one of these two, which Marie has agreed with. This means we need to have a decision before the next board meeting. If Tamara and Amy will grant Dick the authority to make a decision and to offer a position to one of the two he will be happy to do that. Dick will inform the board at the next meeting what the decision is. Tamara makes a motion to give Dick the authority to act on behalf of the board in hiring a replacement cleaning individual/service. The motion is seconded by Amy and unanimously approved.

Tamara provided an update on the Gove Brook culvert, which is part of conservation. The wetlands have been delineated and notices are going out to the abutters of where the culvert is located. Mike Hansen wanted landowners that owned up to 100 feet of each side of the culvert, which there is only three. Tamara provided Mike with those names and address and he will notify them.

Tamara spoke to the individual at Freightliner that takes care of the bodies for the new truck that we will be getting. The consensus was that we are going to get a regular steel body instead of stainless steel even though stainless steel was the one that was preferred during budget time. According to the individual the truck bodies are made much differently now than they were five years ago, even ten years ago. The steel is thicker and there is more prep as far as finished work, paint priming, that type of thing, on the steel bodies now so they should be lasting the ten years that we are looking at keeping the truck. This will also save us about \$5,000. Tamara did send Pete a message about asking the Freightliner guy about financing and he said he would do that. The cost of the truck will be about \$157,000, give or take, and we were approved for \$170,000. Whit asked if the idea is to borrow up to the \$95,000 that was approved and then have the unreserved fund balance pay for the rest; or to use the entire \$75,000 that was coming out of the unreserved fund balance and borrow less. Janet added that bookkeeping and budget keeping wise it's easier to spend the \$75,000 out of the unreserved fund balance and not leave a little bit sitting there.

Tamara said the highway department will be moving to four ten-hour days as of last Thursday. Dick asked if there was an estimated delivery date on the truck. Tamara said it could be within the month. They basically just need to fit the plow to the truck and that's it. Once financing is figured out, they can go get it. Otherwise, it would probably be August or September at the earliest. The trade value is still being said to be \$15,000 on the other truck.

New Business:

Dick reminds the board of an email that was received from Tim at Casella Waste about House Bill 177, that would prohibit dumping of waste within some distance of state parks. Tim's concern was why just the state parks, why not local parks and municipal parks as well. He was asking for a letter of support; do we want to consider giving a letter of support. Amy asked if it would be more appropriate to address this to the state. What Dick would like to do is send Tim a response with a copy to the state. Dick proposes to support Tim's attempt to not have this bill passed until it is reviewed in a much broader light. Dick will draft a letter for review.

Board and Department Updates:

Amy attended the recreation committee meeting, reiterating the topics Sarah discussed. We just need to make sure we are covered by any kind of potential liability. The committee needs to know if they can accept cash donations for future projects. Can the committee plan these activities with the complicit approval of the board, or does every project/event have to come for specific approval? Janet informed Amy that she is the liaison for the committee, so they don't necessarily need to come before the board all the time, Amy can bring the information to the board. Tamara informed Amy that in past years there has been money in a line for recreation.

Since recreation has been inactive for several years there is not much money at that line. Janet believes there is \$300 remaining. Janet said if money is raised for a recreation purpose it's not necessarily recreation money. Janet added that if you ask for donations to fund the recreation department there is probably a way the donations can come in and be accepted by the board of selectmen for a specific purpose. Then that money would be able to be spent. Janet will also check to see if that money can be spent in the same fiscal year. Amy asked about holding fundraisers. Janet will check with the DRA regarding these concerns. Sarah said that someone was going to invite Angela to the next recreation meeting.

Dick said the library has put a final plan together for the museum passes. They are also planning for virtual programs this summer if necessary. The VINS pass will still be available. However, now, if you go to a museum, bring your receipt back to the library and they will reimburse you \$5 per person who was with you as long as one of the individuals has a library card.

Lars said there isn't a lot going on as far as emergency management goes. However, Lars was contacted last month by Alice Ely. She was requesting a list of at-risk patients that they would prioritize for COVID testing. Tamara and Lars sat down and put together a list of 60 people. Of those sixty thirteen were able to get vaccinations. The sixty people were all contacted but a lot of them had already received their vaccinations.

Lars stated with all the heavy winds they just want to let people know that Eversource is going to be looking for damage to power lines on the 14th. Tamara said there is no burning right now. Lars informed everyone this is a day-by-day decision. In Springfield we don't allow any burning during the week, only on the weekend when we have fire department staff in town. Janet thought it would be a good idea to put a reminder on the town website as well that there is no burning in Springfield during the week, permits required on the weekend.

Correspondance/Signatures:

Transfer station contract

MS-232

Every year we are supposed to do a contract for your tax collector. We have a contract agreement ready to be signed for the tax collector.

Deputy Tax Collect / Town Clerk reappointment forms.

Intent to cut timber from Star Lake Properties

Purchase order for the new York rake at the highway department

Solar exemption approval recommendation

Hardship case, that person has met their obligation for 2016. Tax abatement needs signature.

Time-off request for Janet

Miscellaneous Business:

At 5:10 p.m. Tamara made a motion to enter into non-public session to discuss personnel per RSA 91-A:3. The motion was seconded by Amy. By roll-call vote this was unanimous.

The board moved back into public session at 6:37 p.m. Tamara made a motion to seal the minutes discussing personnel. The motion was seconded by Amy. Dick, Amy and Tamara voted unanimously in favor of the motion.

The board shared that they accepted Tim's intent to retire May 1, 2021. The board has unanimously agreed to promote Sergeant Beulieu to Chief of Police effective April 30, 2021.

The meeting was adjourned at 6:41 p.m.

Jill Hastings
Deputy Administrative Assistant