

BOARD OF SELECTMEN

September 26, 2022

MEMORIAL BUILDING

4:30 P.M.

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

Selectmen present: Dick Hendl, Chairman; Poul Heilmann; Amy Lewis, Vice Chairman was absent

Others: Mike Lawlor, Corey Swenson, Hope Damon and Whit Smith

Schedules Appointments:

Hope Damon – running for State Rep for Sullivan County:

Hope Damon, of Croydon NH, attended tonight's meeting to introduce herself to the community as a candidate for NH State Representative. Hope will be retiring from her career as a dietician in December, regardless of the election outcome, and would be a full-time State Representative if elected. Hope's top priority, if elected, is to work on adequate funding for education. You can find more information on Hope Damon at www.HopeForNH.com.

Dick informed Corey Swenson a letter was sent to Mitchell and Claudia inviting them to tonight's meeting or the meeting on October 11th, but no response has been received yet.

Dick informed Corey that a response was received from Mr. Lindquist's attorney, and they would attend another meeting if necessary. Whit informed Corey that research was done on the easement across his property, and it is recorded. The easement is not part of the deed it is a statement of easement. The right of way/easement is 35-feet wide and is to be used as a driveway to access the property. This easement was granted by Robert Lane to Joe Abbondanza and that tracks with the property rights for that other piece of property. The Board will invite Mr. Lindquist and his attorney to a Selectmen's meeting and will let Corey know when that will take place so he can attend.

Zoning Permits:

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, September 26, 2022.

Application for Permit – APPROVED

1. Sarah & Daniel Monette, 87 Cemetery Rd, have built a 22' x 13' stone patio behind their house. Zoning Permit application filed "after the fact," and fee has been paid. No set back or wetlands issues and structure is less than 35' tall. No observed commercial or business activity and applicant has represented the same on the application. Zoning Permit approved per delegation of authority.

2. Mike Howard, 259 Shad Hill Road, would like to add a deck w/ screen porch to his newly built home. The house was built in 2020 and is not shown on the Springfield Wetlands mapping tool. There are no setback or wetlands issues, and the structure will be less than 35' tall. No commercial or business

activity observed, and Mr. Howard has represented the same on his application. Zoning Permit approved per delegation of authority.

3. Mike Howard, 259 Shad Hill Road, would like to build a barn for his wife's horses. Construction on the barn has already begun. Mr. Howard has paid the "after-the-fact" permit fee. There are no setback or wetlands issues, and the structure will be less than 35' tall. No commercial or business activity observed, and Mr. Howard has represented the same on his application. Zoning Permit approved per delegation of authority.

Permit Applications in hand - Waiting for review by Health Officer

4. Per direction from the Select Board, Cheryl Wood has submitted a New Zoning Permit Application (fee paid) to build a house at 811 Main Street. The foundation was poured in 2016, but no work has been done at the site since 2017. There is electric service to the location (meter on post and security light). The septic system may have been installed. The Health Officer has expressed concern regarding the build and the location of potable water wells in relation to the septic. Application has been forwarded to him for review.

Permit Applications in hand – Waiting for Additional Information

5. Mike Howard, 259 Shad Hill Road, would like to erect/install ground-mounted PV solar panels array on his property. Application did not include dimensional information and is being held pending receipt of the measurements and plan drawing. Mr. Howard is aware that the application is being held. He has been in touch with the designer/installer who has promised to produce the drawing. There are no setback or wetlands issues; presumably the structure will be less than 35' tall. No commercial or business activity observed, and Mr. Howard has represented the same on his application.

UPDATE – PREVIOUSLY REPORTED

6.. Zaleskas/Kelly, 164 Four Corners Rd, would like to erect small - (8' x 15') shed behind their house on Kolelemook Lake (lot is .34 acre). They were granted a Special Exception by the Zoning Board to place the shed in the identified location. They will now apply for a Conditional Use permit (Planning Board) due to the proximity of the proposed shed to Kolelemook Lake. Nothing new to report.

Other Matters.

A. Visited Messer Hill location where garage is being constructed (permit issued). This because of a complaint/allegation to the Select Board from bellicose neighbor: the location of the garage is "only 15' off my property line, which is the stonewall." The neighbor confronted the Zoning Coordinator as to why measurements had not been taken. Well, the Zoning Coordinator did discuss the location of the property line with the applicant at the time the permit application was reviewed. But apparently, that was of little concern to the angry neighbor.

Zoning Coordinator reviewed sub-division drawings and zoning permit plan presented by Applicant, who is new to town and from away. Zoning Coordinator was informed that the property owner should have

known better and should have diligently checked the location of the property line. Well, the property owner did do that before siting the location for the proposed garage.

During site visit following the complaint, Zoning Coordinator found pins marking the property line. The “corner pin” is indeed in the stone wall near the road. However, the property line does NOT follow the stone wall - as alleged by the neighbor; the line angles in behind the stone wall to a point approximately 85’ from the first pin, where the second pin is located (found and pictures taken). This location is shown on both the sub-division map and in the metes and bounds legal description of the property (contained in the deed). The property line then runs roughly parallel to the stone wall in an easterly direction. The distance to the stone wall is a minimum of 42 feet and for most of the way it is greater than that. Closest distance from the garage to the stone wall is more than 20’. Accordingly, the garage is NO closer than 62’ to the property line and does not encroach on the 35’ setback requirement. Identification of the property line (although unnecessary and time-consuming) was straight-forward.

Chairman Hendl agreed the next step is for the Select Board (not the Zoning Coordinator) to notify the neighbor by letter of the facts regarding the property line, the subdivision drawing and the legal description.

B. Attend Planning Board meeting and Planning Board “workshop” to review requirements for consideration of site plan applications from property owners operating short-term rentals of guest facilities businesses (STRs). Research state law regarding whether a STR is the same as a “residential” use; responded to inquiry as to what is a “permissive” zoning ordinance. Discussed with town’s attorney the argument/approach being taken by lawyers representing owners of property where STR is occurring.

C. Developed and prepared sample site plan application (composite) for Planning Board to “review” as a part of the workshop. Included 1:20 scale drawing of property plan (fictitious).

D. Meeting with property owner regarding preparation of new Zoning Permit Application for house build started some years ago, but never substantially completed. (Wood)

E. Reviewed easement language impacting property at the end of Sanborn Hill Road (Swenson).

<< September 25, 2022 >>

Dick informed Whit that a letter was sent to Mr. Butcher regarding the findings of the property line. The Board has not received a response from Mr. Butcher. Dick will share a copy of that letter to Whit.

There was some discussion of the health officer and his concerns. Whit feels Ryan Peterson is a tremendous asset to the town, as he knows the code inside and out. Whit has encouraged the Planning Board to reach out to him on matters involving short term rentals. Whit is not sure Ryan needs to be involved in the zoning permit process unless it involves a septic design. Dick suggests setting up a work session between the Selectboard, Ryan Peterson, and Whit Smith to

all get on the same page. Whit feels Ryan is very talented and knowledgeable; he knows his stuff.

Minutes of September 12, 2022:

Page 1, Paragraph 3:

Ron Butcher informed the Board that his new neighbors appear to be building a garage too close to the property line.

Tamara will set up a visit between Ron Butcher and Whit Smith so Ron can show Whit where the pins are.

Page 6, Paragraph 2:

Of course there will of course be steps taken before the certified letter is sent.

Dick made a motion to accept the minutes of September 12, 2022 as amended. The motion was seconded by Poul. Dick and Poul voted in favor of the motion.

Court Status:

No updates to report.

Unfinished Business:

In Amy's absence the Board tabled the review of the short-term rental process. Poul handed out a draft of the master list he created for short term rental properties.

The tax deeding meetings were held, one person appeared before the Board. Pixie is in the process of the next step for tax deeding.

Dick spoke with Pete Lacaillade about the Fire Department playing a role in short term rentals from a safety and fire point of view. Whit stated that Jack Hedges was at the planning board workshop as a representative of the fire department.

New Business:

Poul received a note from a resident about the gravel pit on Bog Road. The pit is actually in Enfield, but his concern was that it is going to affect that aquifers here. Dick informed Poul that Conkey Enterprises has owned that gravel pit for 21 years, and it has been in operation for more than four decades. Poul will reply to the resident with that information. Poul feels his point was just to make the town aware.

Dick stated there is someone interested in purchasing the red freightliner. The Board is looking into this to see what can be done.

Amity Lynn has expressed an interest in hosting a dance class in town; she has received some interest on this through the Springfield Facebook page. Amity has asked if she would be able to use the meetinghouse for this. Dick would like to get more information before the Board makes a decision on a recurring use of the building that could possibly be during the winter months.

Dick received an inquiry of why there isn't a toddler swing at the playground. It would just be a matter of finding a swing and hooking it up to the swing set.

The next meeting is scheduled for the 10th of October, Columbus Day. The Board will move their next meeting to Tuesday, October 11th due to the holiday.

Board and Department Updates:

The highway garage has put some pipe in on Hogg Hill. They are still on schedule for paving in October. Pete has not heard back about the new truck and the tilt. Pete relayed to them the chain idea and once the sand shed site is completed they will close off that area.

The library trustees will meet this Thursday.

Cemetery Commission met on election day. They are still discussing green burials. They have also found a source for the corner markers for the gravesites. They are in the process of sending out letters to people who have recently purchased plots to see if they are interested in having their plots marked out with these new markers.

The Historical Society barn project is moving right along. Roofing should happen this weekend.

Correspondence / Signatures:

Letter received from Attorney Corley, representing Mr. Lindquist

1 Abatement request

MS-1

MS-535

Miscellaneous Business:

Mike Lawlor asked if the Board has heard anything about the land from where Josh McGraw lives all the way up to Michael Cote's including Aron's Ledge, that 635 acres, going to the Fish and Game Department yet. The Board has not heard any information on this. Mike said this has been in the works for five years and just felt the Board should have it on their radar as it will come up sooner or later.

Poul made a motion to adjourn the meeting. The motion was seconded by Dick. Poul and Dick voted in favor of the motion.

The meeting was adjourned at 5:44 p.m

Jill Hastings

Deputy Administrative Assistant