

BOARD OF SELECTMEN

October 11, 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; Amy Lewis, Vice Chairman; Poul Heilmann

Others: Brandt Denniston, Pixie Hill, Mike Lawlor, NH State Representative Linda Tanner, Sgt. Patrick Zullo, Corey Swenson, Claudia Swenson, Janet Roberts, Maryanne Petrin, Janet Hendl, Judy Shank, Barbara Cooper and Doris Lefebvre

Dick asked everyone to remain standing after the pledge of allegiance for the swearing in of Patrick Zullo as the new Chief of Police for the Town of Springfield. The Board and audience offered their congratulations to Chief Zullo. Chief Zullo signed his employment contract as did the members of the Selectboard.

Scheduled Appointments:

Representative Linda Tanner is our current representative and up for re-election. Representative Tanner is a retired educator, taught at Kearsarge for 35 years, and her main focus is education; funding, quality education and public education. Representative Tanner is also very interested in protecting woman's rights to reproductive freedom and also cheaper and cleaner energy for NH. Representative Tanner provided her State House business cards stating she is a representative until December and can put in legislation. She encouraged anyone to contact her if they have anything they would like her to look in to that they feel should be addressed by the state legislature. You can find more information about Representative Tanner on citizenscount.org as well as her Facebook site Linda Tanner 4NH. She can also be reached by email at reptanner@gmail.com, and is willing to answer the public's questions if there are any issues. Representative Tanner thanked the Board and audience for their time.

Corey Swenson and Claudia Swenson appeared before the board to each discuss the matter of possible business use of property. Corey is confused as to why he was told to remove all heavy equipment from his property and Claudia and Mitchell have not been asked to do the same. Amy asked both parties if they are running a commercial or business enterprise on either property; Both parties answered no. Claudia elaborated, explaining that the only equipment not allowed on Corey's property, as defined in the Trust, is logging equipment, which is basically the skidder. The equipment on Claudia and Mitchell's property was used to do some improvements to the property, mainly the building of a garage. After listening to both parties, the Board agrees this is a civil matter to be handled between the two parties; the Town holds no responsibility in this matter.

At 4:49p.m. Dick made a motion to enter into non-public session to discuss personnel per RSA 91-A:3, II(b). The motion was seconded by Poul. By roll call vote Dick voted aye, Poul voted aye and Amy voted aye.

Dick made a motion to exit the non-public session and re-enter the public session at 5:10 p.m. The motion was seconded by Amy. By roll call vote Dick voted aye, Amy voted aye and Poul voted aye. Dick made a motion to seal the minutes discussing personnel. The motion was seconded by Poul. By roll call vote Dick voted aye, Poul voted aye and Amy voted aye.

Zoning Permits:

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Tuesday, October 11, 2022.

Application for Permit – APPROVED

1. Mike Howard, 259 Shad Hill Road, would like to erect/install ground-mounted PV solar panels array on his property. 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.
2. Cheryl Wood, 811 Main Street, intends to complete the construction of her house (foundation was poured in 2016, but no work has been done at the site since 2017). There are no setback or wetlands issues, and the structure will be less than 35' tall. No commercial or business activity observed, and Ms. Wood has represented the same on her application. Zoning Permit approved per delegation of authority.
3. James & Amy Drake, 428 Sanborn Hill Road, would like to build an addition to their house. Zoning Coordinator has been out to the site and has discussed the project with Mr. Drake (by phone). Application was forwarded to the Health Officer for review. Septic design was also provided to the Health Officer. The current dwelling has two (2) bedrooms, and the addition will have two (2) bedrooms, but one (1) of the bedrooms in the house is being eliminated (becoming hallway to allow access to the addition) so the total will be three (3) bedrooms. Septic design and installation approval from NHDES website is for 3 bedrooms. There are no wetlands issues, no set back issues, and the structure will be less than 35' tall. No commercial or business activity observed, and the Drakes have represented the same on their application. Zoning Permit approved per delegation of authority.
4. Mr. William Cook, 618 Hogg Hill Road, built a garage in 2008 with living space above. (Zoning Permit previously approved 10/2/2008) Earlier this year (June 2022) Mr. Cook received a Zoning Permit to add a shed/workshop to the garage. Now he would like to complete the house by building residential space attached to the garage. Basically, the Cooks are building a house - all one structure. There is a one bedroom over the garage and the new residential space will also have one bedroom. Application was forwarded to the Health Officer for review. Septic design was also provided to the Health Officer. The septic was approved for 3 bedrooms and the proposed configuration - 2 bedrooms in the house - is within specification following the septic design. I visited with Mr. Cook and reviewed the plan. He told me the "studio apartment" over garage (where he and his wife live) will become a guest room. No longer separate from the house. He also told me that when the septic was put in, on the advice of the installer, they opted for a 1500-gallon tank, which is oversized for the 3-bedroom design. There are no setback or wetlands issues, and the structure will be less than 35' tall. There is no evidence of

commercial activity at the location and applicant has represented the same on his permit application. Zoning Permit approved per delegation of authority.

5. Bernard & Katrina Cahill, 150 Woodcrest Road, like to place/build a shed next to their house on Kolelemook Lake. Zoning Coordinator has been out to the site and has discussed the project with Mr. Cahill. Mr. Cahill has received both a Special Exception (from ZBA) to place the shed 17' from the side lot line and a Conditional Use permit from the Planning Board due to the proximity to the lake. Accordingly, setback and wetlands issues have been addressed. The structure will be less than 35' tall. No commercial or business activity observed, and the applicants have represented the same on their application. Zoning Permit approved per delegation of authority.

Permit Applications in hand – Waiting for Fee

5. Mr. Ayaz Asif, 217 Bowman Road, was previously approved to install 27 roof mounted solar panels with 2 Tesla battery systems. Now he would like to increase the number of solar panels to a total of 45 flush mounted panels. No fee was included with the application. Installer contacted. Work has not begun; waiting on fee (\$50).

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 have applied 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. Another inquiry (different real estate broker) as to whether the lot on the corner of Bowman Road and Main Street (currently listed For Sale) is "buildable." Real Estate broker referred to Ordinance sections regarding minimum lot size and setback requirements for Designated Wetlands buffer. Copy of wetlands map for this lot also sent to RE broker (MacKenna)

B. Attend Zoning Board meeting - Handley application for Special Exception to operate short-term rental of guest facilities business approved. At the request of ZBA Chair, forwarded materials describing current interpretation of short-term rental not a "residential use." (*Working Stiff LLC v City of Portsmouth*)

C. Prepared summary of conclusion by Planning Board regarding review of septic system in connection with site plan application for short-term rental property. Purchased "easel pads" for use by applicants in drawing up site plan maps as now required by the PB (22" x 34" drawing with 1" + 20' scale. Pads have 1" grid pattern).

D. Inquiry from property owner regarding the duration of Special Exception (non-conforming lot) for placement of garage. Work has not begun. (Gilbert)

E. Follow up call from attorney regarding schedule for site plan review – short-term rental. (Tilsley)

F. Inquiry regarding placement of second dwelling unit on property. (Hummel)

G. Respond to inquiry regarding Zoning Ordinance. Provide explanation of so-called “permissive ordinance.”

H. Prepare letter of explanation for use in explaining process being developed by town boards for regulation of short-term rental of guest facilities businesses.

<< October 11, 2022 >>

Minutes of September 26, 2022:

Amy asked for clarification on the gravel pit on Bog Road; the District is getting involved as well. Poul provided a brief explanation of the situation. Amy also provided some background on what the resident is looking to do. Poul made a motion to accept the minutes as written. The motion was seconded by Dick. Poul and Dick voted in favor of the motion. Amy abstained.

Court Status:

There is nothing new to report on any ongoing legal issues with the courts.

Unfinished Business:

Poul stated there is a lot of working going on with the planning board regarding short term rentals. Poul’s view as this has progressed is that the Selectboard’s role in this process is to define whether it’s a business or not. Poul isn’t sure the scorecard he presented several months back might not be very relevant now. The scorecard could work as a consistent question process, but Poul doesn’t think the Board needs to go further with it at this point. Dick asked that everyone review the current materials and be prepared to discuss some of the changes the Board might want to see. Poul added that the master list of the STR’s should be kept in one location and will contain all the information of the existing STR’s in town.

Dick mentioned the scenario of someone wanting to lease their home to one family for four months of the six months they are go over the winter, for the purposes of skiing. Dick had a conversation with Whit over what constitutes short term rentals. Whit would like to shorten it up from 185 days to 90 days; Dick is not in favor of shortening the number of days. Tamara informed the Board the length of days is being shortened by the State; this was discussed at the Planning Board the other night. Amy feels the Board’s definition of short-term rentals should match the states. The town should see what happens at the State level first.

Sale of Municipal Property – The thinking of the sale of the highway truck is that the town put it out for bid/sale. There are several items belonging to the town that could be put up for sale. Dick suggested using the auction company that was used to sell the fire truck. Poul and Tamara will work on a list of items throughout the town departments and then contact the company.

A response needs to be made to Mr. Lindquist's lawyer. The Board received a letter from Attorney Corley at the last meeting. Dick asked Amy to draft a response letter to the attorney.

New Business:

Recently the town received an inquiry about possibly holding dance classes in towns, utilizing town space. The Board is unsure of their position on renting the meetinghouse for a resident to conduct a business. Tamara will reach out the resident and see if there is still interest in holding this class.

There will be a CIP meeting held on October 18th and the first Budget Committee meeting on the 25th, both at 7 p.m. These are preliminary meetings of both committees.

Board and Department Updates:

The Conservation Commission has been working on trail cleanup. At some point they would like to hold guided walks to show what they have done. They will have a banner made for the recreational days, family fun days, as an advertisement for Conservation.

The Planning Board is holding a work session tonight, Amy will be attending. They are trying to nail down what to require of the homeowners of short-term rentals. There was some discussion on requiring a septic review of the property; Amy doesn't see that as an outrageous request. Poul is also interested seeing as part of the planning board process the fire, security, and health inspection. Amy said she is not aware of this being discussed yet.

The paving on Hogg Hill has been completed. The Highway department has been doing work on ditches further up that road. Poul asked them to be thinking, from a budget standpoint, what will need to happen next year. So far, the rest of Hogg Hill paving is on the list. They have also been working on grading on Deer Hill Road.

Poul contacted Kara Berns regarding her concerns with the work being done on the sand shed site. She had some complaints about the noise and the length of time it was taking the work to be done. Poul assured her the project was almost complete, it is due to be completed the middle of this week.

Amy shared that Ronny Butcher acknowledged that he was mistaken on the property line between him and his neighbor. Ronny appreciated being heard but realized when he walked the site with Whit that it was not what he thought it was for so many years.

The Cemetery Commission will hold their final meeting tomorrow.

The library will be closed on the Saturday after Thanksgiving from here on out.

Poul shared that the Historical Society barn is complete, it just needs to be stained.

Signatures:

Election informational letter

Cushing current use application

Poul made a motion to adjourn the meeting at 6:03 p.m. The motion was seconded by Amy. Poul, Amy and Dick voted in favor of the motion.

The meeting was adjourned at 6:03 p.m

Jill Hastings

Deputy Administrative Assistant