

## **BOARD OF SELECTMEN**

**November 28, 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 absent

Others: Chief Zullo, Dan Saulnier, Mike Howard, Sarah Anderson, Tim Bray, Whit Smith, John Trachy and Pete Lacaille

### **Scheduled Appointments:**

Chief Zullo provided the police department's proposed budget to the Board. He would like to move the position of a part-time officer to a full-time officer in an attempt to increase the patrol coverage. This would also require a third cruiser being purchased and outfitted for the department as well as the equipment to outfit another officer. The total proposed budget is \$396,320. The new cruiser would be a warrant article at the town meeting in March. Whether the town approves the purchase of a third cruiser or not Chief Zullo would still like to have a third full-time officer. The department would just have to figure out a rotation of the available cruisers. The police department has come up with a plan to replace the cruisers every three years. The current 2016 would be replaced in 2025; that would put the department on schedule to rotate every three years and get a new cruiser. Sarah asked if the cost of the new cruiser comes equipped with what each officer needs. Chief Zullo explained there are certain equipment items that carry-over cruiser to cruiser; some things do age out and would need to be replaced.

### **Zoning Permits:**

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, November 28, 2022.

### **Application for Permit – APPROVED**

1. Kurt & Alison Conlon, 22 Lamson Lane, would like to erect/build a 20' x 29' carport within the buildable footprint of the lot. Reviewed plan view drawing for setback lines, which are shown. There are no setback or wetlands issues, and the structure will be less than 35' tall. No observed commercial or business activity and applicant(s) have represented the same on the application. Zoning Permit approved per delegation of authority.

2. Kristine Zaleskas, Virginia Kelly, and Kara Zaleskas (collectively "Zaleskas"), 164 Four Corners Road, would like to place/construct an 8' x 15' plastic shed on their .34-acre lot (non-conforming due to size).

Zaleskas applied to the ZBA for a Special Exception to place the shed inside the setback for the side-lot line, and inside the setback from Four Corners Road. Roadway right of way (NHDOT) was confirmed by review of the DOT database (Town Administrator review). The Special Exception was granted by the ZBA (September 6, 2022).

The proposed location for Zaleskas' shed is also inside the Shoreland Conservation District, thus requiring a Conditional Use permit from the Planning Board. Conditional Use permit was granted by the Planning Board (November 17, 2022).

Now we can proceed with the Zoning Permit. Having been granted relief on setback requirements, that is no longer an issue. The location does not create any wetlands issue and the shed will be less than 35' tall. There was no observed commercial or business activity observed on the lot (during numerous site visits); the applicants have represented the same on their application. Zoning Permit approved per delegation of authority.

Permit Applications Received – Returned to Administrator – Further Action Required

3. Hanson Bridge LLC, to build two (2) cold storage structures on two (2) different lots on Hanson Road. 161 Hansen Road – Five (5) bay cold storage for wood. Refers to Site Plan dated May 16, 2022. 163 Hansen Road – Cold storage unit for wood to be treated. Refers to Site Plan dated May 16, 2022. Upon further review and following discussion with Mr. Hansen this matter has not been taken before the Planning Board. Application for Amended Site Plan and review/approval by the Planning Board is necessary. Need Amended Site Plan showing proposed structures.

Other Matters.

A. Attended Planning Board meeting. Hearing on Zaleskas – Conditional Use to place shed within the Shoreland Conservation District. Continuing work with PB on short-term rental process summary and information packet (see below).

B. Roberts' shed dimension. The town has on file a site plan approved by the planning board (May 19, 2016) and the location for the shed is depicted on the site plan map. The plan simply states: "approved relocation of barn to be used as sand shed," with no dimensions shown. Chair of the Planning Board would like dimensions added to the map and review at the next Planning Board meeting.

C. Following Planning Board meeting, revise and finalize Short-Term Rental Process Summary and information package for review by Select Board. Work with Planning Board Chair in getting these materials ready for distribution.

D. On advice from Patten (PB member) and at request of Planning Board Chair, review restrictions for agent/representative to conduct fire/life safety inspection. Reach out to Fire Chief for clarification. This, also, is in connection with preparation of short-term rental process summary.

E. Review Bankruptcy notice for hearing on emergency auction/sale of assets by Stored Solar. Provide summary to Town Administrator.

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**Minutes of November 14, 2022:**

Poul made a motion to accept the minutes of November 14, 2022. The motion was seconded by Dick. Poul and Dick voted in favor of the motion.

**Court Status:**

There is no change.

**Unfinished Business:**

Poul and Tamara met with Tyler Richardson of Auctions International. He explained the process of how the auction would work. The items would be listed on the auction site for two weeks. The town would have the ability to accept or decline any bid. The only cost to the town is a small fee for the pictures taken. The auctioneer's fee is paid by the buyer. Poul will be collecting a list of items and scheduling him to come back in a few weeks then we'll go live with the auction.

To correct an oversight from last meeting Dick made a motion to unappoint Luke Munholand to the agricultural commission and turn that over to the Planning Board like it should have been. The motion was seconded by Poul. Dick and Poul voted in favor of the motion. Dick will notify Luke Munholand and Keith Cutting to let them know the Selectboard made an error and even though it has been undone it does not mean he is not a viable candidate for the agricultural commission. Dick will encourage Luke to contact both Keith Cutting and Timothy Bray.

There has been no draft response to Mr. Lindquist's attorney received to date.

Dick has completed the census survey response. He will print a copy and put it in the red box for review by the Selectboard members before submitting.

Dick asked if there was an update on the status of the Stored Solar situation. Tamara has not received an update; the hearing was on November 23<sup>rd</sup>. Poul asked what the implications for the town are. The amount of taxes owed for any liens should be received once the new buyer takes ownership.

**New Business:**

Chief Zullo received an offer from Mr. Crowell to donate a mobile radar unit to the town so the police department can monitor the speed of traffic at the various places people like to exceed the speed limit. The total comes to just under \$4,000. Dick made a motion to accept Mr. Crowell's generous offer of \$3,826 to acquire a radar unit with a three year warranty, covers shipping and handling, and a battery backup. The motion was 2<sup>nd</sup> by Poul. Dick and Poul voted in favor of the motion. Chief Zullo will research to see if state approval is needed to place the unit on Route 114.

Chief Zullo has submitted a request to carry over his unused vacation time. The opportunity to take vacation time was not there. Dick made a motion to approve Chief Zullo's request to carry vacation time to next year. The motion was seconded by Poul. Dick and Poul voted in favor of the motion. The Board thanked Chief Zullo for his service and time.

**Board and Department Updates:**

Poul attended the planning board meeting, and a good amount of time was spent on the STR process.

The library trustees will meet in the middle of December in lieu of a November meeting.

**Noise Ordinance Presentation:**

Dick asked if it is planned to run the noise ordinance through the town council before going further with this. If there is a possibility of \$1000 a day fines and a procedure for the individual to appeal it, that might have some legal ramifications that might involve our town council. The Planning Board felt the next appropriate step would be for the Selectboard to review the ordinance before going further with it.

Dick asked when the noise ordinance became a commercial noise ordinance. When the process started a couple of years ago there was going to be a town-wide noise ordinance. Mike Howard said this was done on the advice of Peter Stanley who has a lot of experience with surrounding towns. The planning board also thought that since the major noise issue in town was from a commercial operation that was another driving factor.

There was discussion on general noise complaints and how they are typically handled and where they would fall under in this commercial noise ordinance. There is a section in the ordinance discussing special permits, which would be for situations like logging, well digging etc. This ordinance would give the Planning Board more leverage in the site plan process.

Poul asked why not just extract the word commercial from this noise ordinance. The Planning Board feels this would not pass the town meeting without it. If you don't have the private noise in the ordinance it falls under the existing regulation which doesn't have decibel levels so it is dealt with by reporting to the police department. Dan Saulnier agrees with Mike Howard; if the Planning Board tried to put a blanket noise ordinance applying to what people are doing in the privacy of their own homes/yards it doesn't have a chance of passing. A commercial noise ordinance has a better chance.

Mike Howard said one of the things the Planning Board considers when working on ordinances is how much of a burden it will be on the town's full time staff or the Selectboard to enforce. If the town has this proposed noise ordinance and it is used in the Planning Board's site plan review process, they are being very up front with the applicants that the town doesn't want constant noise and it gives a better chance of successful enforcement if they've already agreed to it in a site plan process.

Poul asked if with the special permitting being part of the commercial noise ordinance if that will open the gates to every Selectboard meeting being filled with special permit requests. Mike Howard feels the primary people that will apply for special permits will be logging companies. His advice would be that the permit be a document that could be available at the town office to fill out and the Selectboard could approve or not approve it.

Dick asked why the police department would be the right department to monitor this. The planning board doesn't believe the police would be playing a monitoring role, that role would most likely be handled by neighboring residents who make a complaint. At that point they felt a police officer would go out and inform them that the town does have a noise ordinance that

prohibits what they are doing, and that they can obtain a special permit to continue if they fill out the proper form. Dick suggests someone from the planning board, possibly assisted by the zoning coordinator, be the one to check on complaint. There is more knowledge there on boundary lines and the layout of the properties we are talking about. Dick is not seeing this as a police department function. Enforcement is a concern as the planning board is not an enforcing body, but they can collect data. Dick feels at the first pass it makes more sense to have someone who is trained on the use of the instrument and has a good idea of property lines then expecting the police department to do it. Mike Howard agreed that was a good point.

Dick asked if the site plan applicant signs something to acknowledge that they will follow the site plan. Tim Bray explained that a site plan can be approved with conditions, some of those conditions can be related to noise. The site plan is generated by the resident; it's an agreement that once they've submitted it they will abide by it. Dick feels it's important to have it documented that not only the planning board agrees it's a valid site plan but the individual agrees and acknowledges that these are the limitations that the site plan places upon the operation by signing the document. Tim Bray would like to ask the Municipal Association on a procedure like this before beginning this practice.

Poul asked how the \$1,000 per day fine was determined for these violations. Tim Bray found that it was a common fee among these kinds of documents. The Selectboard does have the right to waive the penalty if the problem has been corrected.

The planning board would like feedback on what the Selectboard would like to have added or removed from the proposed noise ordinance so their concerns can be addressed. After that it can go to town council for review. The Selectboard will give written feedback on the ordinance as it stands before the next Selectboard meeting.

#### Short Term Rentals Presentation:

Sarah Anderson had a concern from one of the last meetings she attended. Short-term rentals were discussed, and a checklist mentioned that someone would be responsible for reviewing, making sure certain things were met. Sarah would like to use this to tie in to her other concern that she is bringing to the Selectboards attention. Sarah had a need to request a health inspector come to a home here in town. Sarah's concern is that the health officer's response to the town welfare officer as well as her husband was that the town of Springfield should probably find a health inspector willing to do their job. Dick stopped Sarah before casting aspersions on the health officer. Tamara stated that the health officer came into the office and explained that his job is public health. If it were an apartment building and things are overflowing into other apartments, if it's a house where it's overflowing on to other properties that is his concern. If it is a resident in their home and it does not affect anyone else, it is not within his job scope. Sarah asked what the responsibilities are for the health inspector for the town of Springfield. Dick stopped Sarah Anderson from diverting the discussion planned.

Dick asked if anyone on the planning board had any comments to make on the short-term rental document before beginning. Dick was surprised to see that coming before the Selectboard was optional under the proposed current policy. Dick believed the established procedure was so that

anyone who had or was considering having a short-term rental would come before the selectboard first. There was some discussion on the suggestion and reasoning behind it being optional to appear before the Selectboard. Dick and Poul would both be more comfortable having the applicant appear in person to allow the opportunity to ask certain questions and the applicants view of running a business is the same as the town's. Dick feels everyone should start at the selectboard so they can be logged in. If the Selectboard is supposed to be the enforcing agency they need to be involved right at the beginning. Poul agrees with that, for tracking purposes. Poul feels it should be standard for the Board to review anything that has come in regarding short-term rentals.

Whit looked for clarification with an example. Someone not from here decides to buy a house with the specific intention of moving here in the future making it their principal residence. In the meantime, they want to rent the house on an annual lease basis, because this is America and they should be able to do what they want with their property. According to Dick that property owner should be required to come to the Selectboard to discuss their plan because that is a business. Dick stated that is his opinion. Whit feels this might need to be run by town council. That is something Dick is willing to do. Whit is suggesting that is a little outside the scope of what ought to be addressed. Dick said to bring it inside the scope; why then if under the assertion that this is America, why can't the same person rent it out on a weekend basis. Whit stated that becomes an itinerant lodging situation which gives rise to all sorts of issues that are legitimate concerns for a municipality and the neighbors within that municipality. Whit added Dick is peeling back the fundamental issues behind this whole thing, and won't disagree with him because those concerns are legitimate and need to be considered.

Whit explained right now the definition of short-term rentals is the statement of policy by the selectboard from September 27, 2021, that is valid until it's changed. Tim said the planning board took that as the decision from the Selectboard and they've worked under that decision. The planning board did not weigh in on whether it should be 90, 30 days, 1 year. That is the decision of the Selectboard. Whit's opinion, based on what he's been told, is that 185 day standard may not be defensible; a thirty day standard is certainly defensible. Whit is referring to the municipalities ability to regulate the use of activities. A 90-day term is probably defensible, but it is getting out there towards the edge. There was some discussion that the 185-day length of stay should be altered. Poul suggested to table this discussion until Amy can take part in it.

The discussion moved towards the process, mainly the inspections. After verifying the process and doing some research Chief Lacaille informed the Board that the Fire Department will be able to do the inspections with the checklist that was provided by the planning board. The \$150 inspection fee will stand. The health inspection has been pulled. However, the planning board has reserved the right to call upon the health inspector for a consultation; there is no standard fee if that happens. However, if an outside opinion or study is required those fees, as in the past, will fall on the applicant. That is part of the current site plan process. Dick asked about the waiver form that is mentioned and what does that entail. There was discussion on what might be considered a valid reason to waive the inspection. Further discussion and any decisions on this process has been tabled until all Board members can review the packet and have a full discussion.

Sarah took a quiet opportunity to turn over the money and applications she had for the upcoming craft fair. In turn, Sarah also submitted her verbal resignation from the recreation committee. Sarah stated has done a lot of volunteer work and put a lot of time and effort into the town and doesn't feel like she is the right person for it anymore.

**Scheduled Appointments Continued:**

Chief Lacaille provided the fire department's proposed budget to the Board. The budget has increased by 5.6%. Pete reviewed his budget line by line explaining the increases, which are mostly the result of inflation. The fire department and police department will each have a line item for dispatch and will split the cost of that expense. Pete was asked by the planning board to put an expense line in for the inspections, \$1,200. Pete asked the Selectboard if they would like to see how that plays out for a year before adding that line. Poul asked how that inspection would be administered. Pete would do the inspection, possibly with another person. That expense would come out of the casual labor line. A line will not be created yet.

**Correspondence/Signatures:**

Equalization from George Hildum – 67.5%.

Maryanne requested an abatement for Dan Hildabrand for the fee obtained by not returning the annual inventory form. He purchased the property in September of 2022. The previous owner did not return the form. George Hildum shared a document stating the new owner is not responsible for the penalty. Mr. Hildabrand would like the fee waived. The board agreed to waive the fee.

**Miscellaneous:**

Tamara would like to submit a request to the high school looking for a student to come in and do some filing for her. This would go towards those students' community service hours. The papers to be filed contain no confidential information. The Board approved Tamara's request.

The meeting was adjourned at 6:40 p.m.

Jill Hastings

Deputy Administrative Assistant