

## **BOARD OF SELECTMEN**

**December 12, 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

Others: Jen Roberts, Whit Smith, Ken Jacques, Tanner Jacques, Bill Robuck, Kurt Pandiscio, Nicholas Fontanon, Stephen Dzubak

### **Scheduled Appointments:**

Three sealed bids were received on the town owned properties being offered. Dick proceeded to open and read to the Board the bids. The following bids were received:

Tax Map 48, Lot 158 Sub 600, .25 acres at Rt. 4A. A bid was received from Bill Robuck in the amount of \$5,050.

Tax Map 31, Lot 352, Sub 393, 3.1 acres at 15 Crestbrook Place. A bid was received from Kurt and Victoria Pandiscio in the amount of \$5,100.

Tax Map 31, Lot 200, Sub 393, 2.440 acres at 20 Glenwood Road. A bid was received from Nicholas Fontanon in the amount of \$21,345.

Dick made a motion to accept all three bids. The motion was seconded by Poul. Dick, Poul and Amy voted in favor of the motion. Tamara took the buyers into the office to prepare their purchase and sales agreements.

### **Zoning Permits:**

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, December 12, 2022.

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

1. Mike & Carol McGarry, 85 Golf Course Road (Twin Lake Villas), would like to build an addition (roughly 400 sq.ft. new and remove and replace bedroom, new bath; no additional bedroom; no new septic design required). 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 their application. Zoning Permit approved per delegation of authority.

### **Permit Applications Received – Returned to Administrator – Further Action Required**

2. 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. Consultation with PB scheduled for December 15. Application for amended site plan to be considered at PB meeting on January 19.

Permit Applications Received – Application Returned; No Permit Required

3. Kevin Kelly, 59 Woodcrest Road; application received for replacement generator. Visited site and viewed existing equipment; compare to plan for placement of new equipment. Same size, same spot, replacements allowed. No permit necessary. Fee should be returned to applicant's agent.

Other Matters.

A. Review "fire/life safety inspection materials provided by Fire Chief LaCaillade. Conversation with the Chief. Advise Tim Bray, Chair of Planning Board accordingly.

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 – December 15.

C. Research at request of Chair Zoning Board of Adjustment the statutory requirement requiring ZBA to act (make a decision) within 90 days of receipt of application for relief or appeal unless a waiver is obtained from the applicant. See NH RSA 674:33 subsection VIII.

D. Review website for Sunapee Area Short-Term Rentals Association. Advise Tim Bray.

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Hanson Bridge will have their consultation with the planning board this Thursday.

Due to multiple applications for replacement generators, Whit pointed out that if you are putting in a replacement generator and it is the same size, going on the same concrete pad no zoning permit is required.

Jen and Kevin Roberts have been asked to attend the planning board meeting this Thursday to add the dimensions of their shed to their map.

Whit received an anonymous clipping from the Intertown Record. It said the Sunapee area short term renters have formed an association. For informational purposes Whit went on and reviewed the website and found their approach to be interesting.

Dick asked if Whit has had any communication with Mr. Rowley. Whit has not heard from Mr. Rowley in about a month. Whit had intended to send him, and others, the process summary thinking that would trigger the necessary conversations. Dick informed Whit the Selectboard received a complaint on Sunday from an abutter of Mr. Rowley and feel it would be the right time to invite him to a Selectboard meeting to discuss the situation.

**Minutes of November 28, 2022:**

Poul made a motion to accept the minutes of November 28, 2022. The motion was seconded by Dick. Poul and Dick voted in favor of the motion. Amy abstained.

**Court Status:**

No progress on any court actions.

**Unfinished Business:**

Amy provided the Board members with her drafted response to Attorney Corley. The Board will review the letter and provide it and any comments to Tamara so it can be mailed out.

Dick sent his comments on the proposed noise ordinance to Mike Howard, Dan Saulnier and Tim Bray. It is Dick's understanding that they will come up with what they consider to be a final version of the ordinance. Poul's questions were all answered during the meeting. Whit informed the Board that Tim Bray is planning on discussing the comments at the planning board this Thursday.

Ken Jacques was not able to attend the last planning board meeting, but heard the noise ordinance had moved to the Selectmen. The comment Ken made to the Selectboard is that he is not in favor of having to go for an exception to the Selectboard every time they want to go over and above the decibel level that is set at 10pm. Ken explained that Twin Lake Villa holds three weddings a year. Depending on environmental conditions it can be louder than 45 decibels after 10pm, until 11pm which is the criteria TLV uses for shutting down the weddings. The music stops at 11pm. With an amicable Board of Selectmen he might get his exception. However, some of these weddings are booked three years in advance. If Ken were to approach the Board and be denied the exception, what does he do at that point. Ken has an issue with the way that is set up, and maybe there is another way it can be addressed. Ken is not sure the Planning Board has figured out the measuring of this including where, how and who measures it. Ken believes the Board will get comments from other businesses in town expressing concern. That is the main concern from Twin Lake Villa's perspective. Ken will discuss this further at the planning board meeting.

Dick asked what the other members of the planning board have to say about the 11pm limit. It is Ken's understanding that the Planning Board feels system set up to go to the Selectmen is fine, Ken disagrees. Ken explains there have been past Boards where he would not have gotten the special exception. Ken explained the history of the 11pm cut-off time. Ken doesn't want to get into a situation where he books something two years out, collecting money, and then there is a problem a month before the wedding. Poul asked if there was any discussion of moving the 10pm limit to 11pm. Ken doesn't recall a discussion on that. Ken just wanted to mention it so when the Selectboard does make their considerations, they take his thoughts in to account, and he will express that again Thursday at the Planning Board meeting. Whit informed the Board that there was discussion on the 10pm time frame, no alternative was proposed.

Whit was contacted by Durgin and Crowell wondering if they should attend tonight's meeting. Whit informed them attending tonight's meeting probably wouldn't be beneficial. However, they do plan to attend Thursday's Planning Board meeting to discuss the noise ordinance. Speaking as a citizen, not the zoning coordinator, Whit feels the town has a serious noise

problem, and he will speak about that at the public hearings. Whit's view is that an actual ordinance, which basically grandfather's some of the offenders has the potential to dramatically exacerbate the situation because they will have been given a pass for the activity that they are undertaking that is offensive; that doesn't solve the problem we are trying to address here. Ken added that you could easily have a neighbor that causes noise that could be very offensive. The answer is that is covered under the obnoxious noise part of our current ordinance, but how well has that worked so far. Dick wondered why the private noise was written out of this drafted noise ordinance. Ken thinks there was a consensus that it wouldn't pass. There was more discussion on situations of intermittent noise generated at TLV and how they handle their events compared to a private resident hosting the same type of event that wouldn't fall under the noise ordinance as it's written. This will be discussed more Thursday night. Ken just wanted to take the opportunity to share his opinion with the Selectboard before anything was finalized.

Poul provided a revision of the STR checklist for the Selectboards purposes. He has changed the scoring of items. Dick had the thought to change the term short term rentals to transient rentals. He feels that covers a wider range, 185 days or fewer. Poul likes it for the ease of understanding but wonders if it blocks them elsewhere. Dick feels this would take the focus away from defining a short-term rental at 30 days, 60 days 90 days, etc. Tamara read the definition of transient rental as being the renting, subletting or leasing of a dwelling for a period of 30 consecutive calendar days or less; this still leaves the mark at 30 days or less. Poul still feels the Board needs to address the limit of days for short term rentals in town.

Dick made a motion that the Board approve a cost of living increase to town employees at 8.7% for 2023. The motion was seconded by Amy. Dick, Amy and Poul voted in favor of the motion.

The budget was reviewed by the budget committee and asked if there were any other comments on the budget. The next budget meeting is the 10<sup>th</sup> of January. After reviewing further Dick feels more of an increase is necessary for the heating of government buildings. After some discussion the Board decided to change from the proposed \$28,000 to \$35,000 for 2023. The same is true of electricity for government buildings. After further discussion the Board decided to boost electricity up to \$15,000.

Poul would like to have Tim Hayes and Pete Abair come and present at the January 10<sup>th</sup> budget meeting, so they can attempt to justify the third person they would like to add. Chief Zullo will also be attending the January 10<sup>th</sup> meeting.

Dick submitted the final version of the towns finances of 2021 to the census bureau today.

Tamara received the deed for Stored Solar today, that was provided to the Board for review. The suggestion was made to have the town's assessor go and evaluate the value of the property. Tamara will find out if that is something that would be handled by George Hildum or George Sansoucy.

**New Business:**

Poul sent a request to the Board members from Jim Bednar and Don Hill about some meetinghouse upkeep and maintenance. Poul feels it's the Board's responsibility to do some of these items. Poul will ask Jim and Don to go ahead and get some estimates on the suggested work that can be presented to the Selectmen. Tamara informed Poul the lift is already taken care of, this inspection has been done. Poul asked if maintenance was being done on the lift. Tamara is unaware of annual maintenance. Poul will ask Don Hill about what sort of maintenance is needed on the lift.

Poul will suggest to Jim Bednar that he come and present to the Board his thinking behind changing the town's method of trash disposal. Jim has done some research on alternatives to the Sunapee Transfer Station.

**Board and Department Updates:**

Amy informed the Board that Marla Binzel has resigned from the Conservation Commission effective the end of the year. Marla sent an email about appointing Cynthia Bruss. Since they are an elected board, they have the authority to appoint on their own.

Poul attended the ZBA meeting where they had one short term rental; it had been continued from the prior meeting because the septic inspection that was required hadn't been done. There was a lot of discussion around the neighbors' concern for their mutual septic system and what the implications of a short-term rental would be. It appeared the zoning board was in the direction of approving it to a maximum of four people, but near the end the Board Chair noted there was a hot tub on the back of the property having walked past. The hot tub had never been approved through the normal process, so the decision was continued until they either remove it or start the process of getting the proper permits and approvals for it. Tamara informed the Board that Matt, the other owner, contacted Tamara to find out information on the zoning permit application; she believes that is now being worked on. No decision will be made until at least January.

Amy asked if Pete followed up about getting a dumpster at the Fire Department to get rid of excess/expired items. Jen Roberts believes this item might have been tabled to discuss alternatives; she will check.

The library trustees will meet this Thursday. The library will be closed on Christmas Eve.

**Signatures:**

1 intent to cut.

**Miscellaneous Business:**

Dick reminded everyone that on Thursday town email will be converting to a multi-factor authorization process. If you are having trouble setting it up call Tamara and she will walk you through the set-up process.

The next Selectboard meeting is scheduled to happen on December 26<sup>th</sup>. Poul made a motion that the Board not meet on December 26<sup>th</sup> and hold the next meeting as scheduled on January 9, 2023. The motion was seconded by Amy. Poul, Amy and Dick voted in favor of the motion.

At 5:30 p.m. Dick made a motion to enter into non-public session to discuss tax deeding per RSA 91-A:3, (II)(c). 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 non-public session at 5:40 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 tax deeding. The motion was seconded by Poul. By roll call vote Dick voted aye, Poul voted aye and Amy voted aye.

The meeting was adjourned at 5:41 p.m.

Jill Hastings

Deputy Administrative Assistant