

BOARD OF SELECTMEN
MEMORIAL BUILDING

January 23, 2023
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: Jen Roberts, Whit Smith, Ken Jacques and Steve Dzubak

Scheduled Appointments:

No one scheduled.

Zoning Permits:

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, January 23, 2023.

Application for Permit – APPROVED

1. Mr./Mrs. Hildebrand, 116 Dutchman Pond Rd (Private Road) would like to convert 10' x 28' screen porch (over deck) to additional living space. As part of this project, they will also rebuild the foundation - no expansion and no permit required for that. Because this is additional living space, it triggers the requirement for the applicant(s) to sign waiver of liability on behalf of the Town for failure to provide emergency services (to be filed with the County Recorder). Recording fee to be paid by landowner. Tamara Butcher reports that the waiver has been signed. Zoning Coordinator has been out to see the location, which is clearly marked, and has spoken to Mr. and Mrs. Hildebrand. Distance from the waterbody (Dutchman Pond) confirmed to be greater than 100'. Accordingly, cottage is outside the Shoreland Conservation District (no Conditional Use permit required); there are no other wetlands issues or buffer encroachment. There are no setback issues, and the structure will be less than 35' tall. (Note this is a non-conforming lot and the residential structure appears to be closer than 35' to the side lot line. However, structure has been in position since before the Zoning Ordinance; "footprint" does not change and structure is not being increased in overall size. No observed commercial activity and applicants have represented the same on their application. Permit approved per delegation of authority.

2. Mr./Mrs. Pandiscio, 16 Crestbrook Place (Eastman) have built a very nice 5' x 8' outdoor sauna next to their house. A Zoning Permit is required for such a structure. Appropriate after-the-fact fee has been paid. Zoning Coordinator has been out to see the structure and has spoken to Mr. Pandiscio. There are no setback or wetlands issues, and the structure is less than 35' tall. No observed commercial activity and applicants have represented the same on their application. Permit approved per delegation of authority.

3. Mr./Mrs. Pandiscio, 16 Crestbrook Place (Eastman) would also like to build an 8' x 10' shed located sort of behind and to the side of their house. They have not started work on this one. Zoning Coordinator has been out to see the location, which is clearly marked, and has spoken to Mr. Pandiscio. There are no setback or wetlands issues, and the structure will be less than 35' tall. No observed commercial activity and applicants have represented the same on their application. Permit approved per delegation of authority.

Permit Applications Received – Returned to Administrator – Further Action Required

4. Peter Tourin, 203 Colby Hill Road, would like to have installed a roof-mounted PV solar panel system. Application received from installer (applicant's agent) with no fee. Tamara Butcher has notified installer regarding fee requirement. Will process on receipt of the fee.

Permit Applications Received – Awaiting clarification from Planning Board

5. Aucoin/Ruppel, 15 Sandy Beach Road, would like a Zoning Permit for a hot tub that has been placed between the cottage and Kolelemook Lake. You will recall the DES has said a hot tub is in the same category as a picnic table (previously reported). However, under the Springfield Zoning Ordinance, the hot tub is a "structure," but a picnic table is not. If the hot tub is a structure, it is within the 100' shoreland conservation district buffer. Therefore, a Conditional Use permit issued by the Planning Board, may also be required. Zoning Coordinator will seek clarification from the PB at the next meeting. However, this item was not on the agenda for the Planning Board. Accordingly, there is nothing new to report here.

Notably, however, Aucoin/Ruppel should be the agenda for the Zoning Board of Adjustment February meeting (previously continued with consent/waiver from the applicants) for a decision on Application for Special Exception to operate short-term rental of guest facilities business.

Other Matters.

A. Attended Planning Board meeting. (Hansen site plan review – continued; Noise Ordinance).

B. Hanson Bridge LLC ("HB"), has changed plan again and now the following is pertinent regarding the wood-processing operation - "upper lot" (tax map #8, lot 803-020), which has already a Special Exception from ZBA to operate the business; and a Site Plan Approved by the Planning Board – HB now intends to put one (1) additional 50' x 70' building on the that lot (no changes to the other second "upper lot"). The building will be "cold-storage" (walls on three sides, open at gable end) for materials associated with HB wood-processing business. HB did file an application to AMEND the existing site plan for the wood-processing business on that lot. HB provided detailed drawing done by Clayton Platt, which was presented to the Planning Board ("PB"). The PB has requested additional information in the form of a "narrative" with respect to the business and slight additions to the site plan map (electrical service route and vicinity map). Matter has been continued.

C. Planning Board determined that TESLA solar roof "tiles" are not a separate structure, but are the roof itself. Applicant, Mark McCalmont, 228 Oak Hill Road, notified that NO additional Zoning Permit is required where a permit is already in place to construct the residential home. The planning board has previously decided that "conventional" roof-mounted solar panels (held in place generally with racking) are a structure requiring a zoning permit. However, in the case where the TESLA "glass or steel solar tiles" are the roof system itself, the Planning Board specified no separate Zoning Permit is required.

<< January 22, 2023 >>

Poul asked for clarification on the requirement for signing a waiver of liability on behalf of the town. Whit explained that the town has private roads and Class VI roads. The town is concerned about being able to provide emergency services or whether school bus services or

other public services might be available. The town has a form that residents on those roads sign waiving their claim to the town for liability if something should happen.

Aucoin/Ruppel need to have a special exception for operation a short-term rental. They also need a special exception for the hot tub because it's a non-conforming lot. The two should not be linked together; the hot tub can proceed with the conditional use and DES shoreland permit running in parallel. Whit believes that the Zoning Board is taking up the matter of the special exception for the short-term rental at the February meeting.

Mike Hanson of Hanson Bridge emailed Whit a picture of a drawing of a roughly 100x300 building on his lower lot, which is what he wants to do. Mr. Hanson represented in the email that he had received an approved site plan in 2000. He then questioned if he had a site plan that was 23 years old would it still be good. Tamara was unable to locate this approved site plan he is referring to. This all took place after Thursday's planning board meeting. Whit provided the history of what Mr. Hanson has received for special exceptions and site plans over the past 20 years as well as his change of plans over the course of that time.

There was some discussion on changes of building sizes as well as what the boat storage facility might be used for in the future. At that point, Whit stated he should go to the planning board so they can tell him what he needs, and that is where it stands today. Mr. Hanson is going back to the planning board to finish up because his hearing was continued on the boat storage building. Tim Bray suggested that Mr. Hanson comes in with the original site plan for the lower lot, which Whit doesn't believe exists, he can then turn his site plan review application into an amended site plan review, using the current forms and new checklists. The map has everything it needs, so that shouldn't have any problems.

There was a brief discussion on the Tesla roof solar system. It has been decided by the planning board that for this particular system no zoning permit is required.

Minutes of January 9, 2023:

*Others: Mike Lawlor, Whit Smith, Keith Cutting, Commissioner Hebert, **vice chair of the Sullivan County Commissioners**; Sandy Burke, Steve Dzubak, Donald Mason, Jennifer Edwards and Laura Patten*

*Commissioner Hebert, **vice chair of the Sullivan County commissioners**, presented materials and information on Sullivan County projects, programs and opportunities available to the residents of Sullivan County.*

*Amy added this money came from the sale of municipal property; it would make sense ~~to turn~~ **around a purchase more municipal to use the gain to purchase municipal** property.*

*Amy and Poul feel there is a lack of communication between the Board members and the ~~town~~ **administrator town administrative assistant**. Amy would have liked to see a reminder of a meeting that took place last week. Tamara respectfully explained her position on the matter. Amy understood her point but would have appreciated a quick email reminding all of the*

meeting. Poul agreed, the role of the ~~town administrator~~ town administrative assistant is to support the selectboard, and if they are requesting something like a reminder it should happen.

Amy made a motion to approve the minutes as amended. The motion was seconded by Poul. Amy, Poul and Dick voted in favor of the motion.

Court Status:

There is no activity on any court action to report.

A zoom meeting was held last week. Attorneys Christine Filmore and Dimitrio Aspiras asked Dick and Tamara to collect information dated back to 2005. This has been completed and sent to the attorneys. The meeting was just a matter of data collection and providing it to them. Whit believes this was the result of a request of council for the Kazenas'. It was unclear to Dick that this was a formal legal request; it seems it was more of a conversation of what then next step might be from their side. Jen Roberts asked if this case ever ends, will the town try to recoup the legal costs for this. Dick informed Jen that is one of the things that is put into the official request of the court, that if the town prevails it requests that legal fees get reimbursed. It is also Dick's understanding that there is no guarantee.

Unfinished Business:

The Board owes the attorney for Mr. Lindquist a response for his request for a meeting with the new buyer to get a schedule from the Board. Amy was asked to write the response.

The Board has a new noise ordinance before them. Dick received a request from Dan Saulnier that the Selectboard run it by the town council again to make sure attorney Fillmore is comfortable with the changes that were made based on her latest comments. The decibel levels were not changed. Subsequent to that, the Board has received a letter and the results of a sound study from the Hummels that suggested to the planning board that they might take the results of that into consideration. Poul understands it to be that the adjustments have been made in this ordinance. The planning board had the opportunity to review the Hummel letter at the meeting. The town attorney feels that our decibel levels might in fact be low, whereas the Hummel's believe them to be too high. This has been the debate back and forth. The planning board has said we paid our lawyer to review this, and we should go ahead with the levels that we've got right now; they can always be adjusted at another point. The Selectboard would be responsible for presenting this noise ordinance as a warrant article at town meeting.

Poul would like to push the noise ordinance off to the next Board meeting to provide a chance to review the changes; Amy agrees. Dick has no objection, but wants to go on the record that he is not in favor of this ordinance for several reasons. First of all, it only applies to new commercial activity. Secondly, it seems to Dick it is written aimed at one particular operation in town. Dick is uncomfortable that this allows a lot of activity as long as it is municipal sponsored. It almost precludes long-term planning on the part of some business and that needs to be addressed. If we are going to have a commercial noise ordinance there ought to be something in there that clearly outlines what's permissible by the municipality and any commercial activity without an event by

event vote by the Selectboard. Ken believes the state is looking at possibly putting in some legislation that would protect logging interests from having to go for special permits every time they want to come in for a logging operation. The noise ordinance will be tabled until the next Selectboard meeting.

New Business:

As a result of working with Jill on benefit levels for employees for next year it turns out that it is a very complicated system we are using. Dick has redefined what part time employees are and has redone part of the personnel manual to reflect the changes; this is just a draft for the other Board members to review. Dick is hoping this will simplify the process. The Board will review the draft before the next meeting. Whit asked how many employees are involved. We have a total of eleven employees for the town.

Board and Department Updates:

Budget Review – Dick has reviewed what has been done at the budget meetings, specifically as it applies to the police department. Dick feels it is fair to say that in all the discussions there hasn't been a lot of enthusiasm for the third officer or third cruiser. Over the holiday weekend Dick was approached by no fewer than four people asking the need for the third officer. Dick has come to the conclusion that he is on the wrong side of the issue, he has talked with Pat and Tim and they agree that maybe there is too much of an overreach for a third officer and third cruiser at this time. For two reasons Dick will recommend that the Board change their position on the police department. First, Dick does not want to give anyone the impression that the Selectboard is tone deaf to their ideas or how they think. Second, he does not want to put the police department and highway department at odds trying to get the same third employee and third vehicle. The police department can wait until the need for the third officer and cruiser becomes more apparent. Dick agrees with B. Manning now who said the current environment does not support these things; yet the same financial environment seems to support a third highway employee and third highway truck. The only person Dick heard with any objection to the Highway was Justin when he wanted to know if the third highway department employee was going to be permanent or just a bridge until Pete retires or we find a new road agent.

Dick's recommendation is that the Selectboards official position is the police department budget as it appears on the current report. Poul agrees with Dick's recommendation. We were in a strange situation last year; things can now stabilize. Amy supports the recommendation provided Pat and Tim have the support they need so they do not get overwhelmed. Dick assured Amy that Pat and Tim are in support of this decision. Steve Dzubak asked what the new proposed budget was; it is to maintain two cruisers, no new cruiser, and reduce the fuel to \$15,000 from \$22,500. Jen Roberts asked if a third officer in the future required a third cruiser, couldn't they work around each other's schedules. Dick explained the justification for the third cruiser, one being the third officer and the other being the Explorer might give up one of these days and there might be a need for a second cruiser. They were trying to get in a rotation where the police aren't always in the position of having to buy two cruisers. Another concern voiced by Pat was that if you

have three individuals and one cruiser goes down you have three officers and one cruiser. At tomorrow night's budget meeting Dick will present this position as the Selectboard's view of the police department's portion of the budget.

Ken Jacques stated we've carried money for a part-time officer in the past, maybe this should be a conversation to have; that we still try to have a part-time officer there for coverage. Pat's position in the past is that finding a part time police officer is difficult. Pat will be invited to the next budget meeting to take part in this discussion. Steve Dzubak asked what this coverage was actually for. Ken believes it was for vacation coverage and things of that nature. Dick added that the third officer was also to increase the amount of patrol coverage that Springfield could provide for the town. Pat had a schedule worked out where there would be coverage until 10pm seven days a week. Ken would like to know how many calls we were not able to respond to because we didn't have someone on duty, that is most important. Jen Roberts, as someone on fire and rescue for many years, emphasized the past lack of coverage on the police department when there is an emergency happening; it isn't safe for fire and rescue to go in and having to wait for State police to arrive because surrounding towns don't have an officer available, this is a big deal. Another thing mentioned by Jen Roberts was that police don't earn overtime, historically they are paid straight time and earn comp time; that might be something to reconsider in the future.

Steve asked for a current update on the Selectboard's feeling on the Highway Department. Dick explained the current version of the budget that the Selectboard is supporting includes a third position for the highway department as well as another highway truck. Ken does not feel the Highway budget is a done deal at this point; there is still a conversation to be had there. The biggest hurdle will be the fact that we are switching road agents and the comment has been made multiple times not to hire someone because Peter thinks we need them, hire someone because the new road agent thinks we need them. But we have to get the new road agent first. Ken feels that is how that will come out, but that is just his opinion. Dick stated if that is the case you still need money in the budget for a third person in case the road agent justifies that third employee. Whit feels the first step is to accept Pete Abair's position that he is going to retire as of the 30th of June and then to do the things that are necessary so that we are prepared for a smooth transition. Meaning we hire a competent road agent to take his place. Once that has been done that road agent's first responsibility is going to be how do we staff the department for what the challenges are. This will all be discussed at tomorrow's budget meeting.

There has been a request made to consider increasing the hourly rate of the Zoning Coordinator. The Board supports Whit Smith's request. For budgeting purposes Whit feels 325 hours is a good estimate of hours worked for 2023.

Amy has prepared a capital reserve fund plan. Amy is looking at nine different funds, projected over ten years, to establish savings accounts for big ticket items. Amy will make some adjustments as a result of tonight's budget conversation and will send it around to everyone for their review. Amy would like it to be considered for 2024. Amy feels this is the way the town

needs to go in order to build money up for large items that we have to eventually replace and purchase.

Correspondence:

The Selectboard received a letter from Perry Hodges concerning a piece of property owned by the town on Baptist Pond and the condition of the property. Dick suggests the Board members look at the property being referred to. The town couldn't divest themselves of this property because not enough time had gone by; now it has. It is Dick's opinion to build a boat ramp on it. Whit informed the Board that a resident on Baptist Pond has expressed interest in purchasing the lot to merge with his; he might also be interested in putting a public access ramp on the lot.

Signatures:

Authorization form for Annika Munholand to be able to make deposits.

Cynthia Bruss is now an alternate for the Conservation Commission, form to be signed by the Board.

Proceeds from the auction have been received and will be deposited this week.

Miscellaneous:

At 6:05 p.m. Dick made a motion to enter into non-public session to discuss a welfare matter 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.

Poul made a motion to exit non-public session at 6:14 p.m. The motion was seconded by Dick. By roll call vote Poul voted aye, Dick voted aye and Amy voted aye. Dick made a motion to seal the minutes discussing welfare. The motion was seconded by Poul. By roll call vote Dick voted aye, Poul voted aye and Amy voted aye.

The meeting adjourned at 6:15 pm.

Jill Hastings

Deputy Administrative Assistant