

BOARD OF SELECTMEN  
MEMORIAL BUILDING

February 27, 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; Poul Heilmann

Others: Jeremiah Crosby, Jim Bednar, Whit Smit, Ian MacMillian, Jen Roberts and Steve Dzubak

**Scheduled Appointments:**

Ian MacMillian appeared before the Board to discuss the grant applied for by the fire department. With this grant, the state will pay the cost of updating the town's Local Emergency Operations Plan. It is a 50% match; the state pays half up front and they will pay the other 50% in an in kind match. They have been in contact with a contractor in Andover and received a bid from her in the amount of \$4,000. The grant has been approved by the state, the Board just needs to accept the grant and then things can move forward.

Ian provided the background on how he got involved with this project and the emergency management director position. No one has taken over these positions since Lars passed. Ian has agreed to fulfill the duties of the position but has not been officially given the position. Ian would be happy to take on the position if that is the desire of the Board. Jeremiah Crosby has done some reading about this position and it is the Board of Selectmen that would appoint this position.

Poul made a motion to appoint Ian MacMillian to the position of Emergency Management Director for the town of Springfield. The motion was seconded by Dick. Poul and Dick voted in favor of the motion.

To accept the grant Dick read the following statement:

To officially accept the grant for LEOP update the Selectboard, in a majority vote, accepted the terms of the Emergency Management Performance Grant as presented in the amount of \$4,000 for updating of the Town of Springfield LEOP (Local Emergency Operations Plan).

Furthermore, the Board acknowledges that the total cost of this project will be \$4,000, in which the town will be responsible for a 50% match \$2,000.

Jane Harvard, the consultant that has been contacted, anticipates this project would be completed by July of this year. Jane anticipates about three meetings where they would get together and discuss the plan. Upon completion she would present it and it would be brought to the Board for acceptance.

Jim Bednar provided the Board with a schedule of events to be hosted by the Historical Society for 2023. The Board of the Historical Society has decided to focus on a theme each year. This

year's theme will be school days; the exhibits in the museum will be changed out to focus on what they have in the collection related to education.

The tool shed was a big accomplishment for the historical society in 2022. Jim thanked the Board for their support on that project. Jim announced that it looks like the fire department will be giving the stove from the general store to the historical society. The theme for the tool shed collection is agriculture, to include sugaring, animal husbandry, forestry and carpentry. The shed will be stained when the weather warms up; this will be done by Chris Gaherty. Chris has also agreed to build steps at the back of the museum and change out the door as well as build a small storage shed to store some items when not being used.

The historical society would like to build out paths, shown on a map provided. Currently there is a buy a brick campaign going on. These paths will be made out of the bricks purchased through this campaign. Kevin Roberts has agreed to do the work of preparing the paths. The laying of the bricks would happen in the fall.

To the left of the meetinghouse they would like to have a connection between the tool shed and the meetinghouse. This will be kept a grassy area, but steps need to be put in to go down the hill. Kevin Roberts has done an estimate. It is not something that can be afforded at this point, but will look into some grant opportunities. Jim brought this up as the map was approved by the zoning board, but the question is do they need to go back to zoning to have steps put in. After some discussion Whit said he would look at the approved application and get back to Jim with what, if anything, the historical society will need to do to move forward with the steps.

The tool shed will be formally transferred over to the town, since it is on town property. There will be a formal letter done making this transfer, most likely on the day of opening.

### **Zoning Permits:**

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, February 27, 2023.

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

None.

#### **Other Matters.**

A. Attended Planning Board meeting. (Hanson amended site plan) Discussion regarding further steps for noise ordinance.

B. Emails/meeting with Josh McGraw regarding process to establish "rustic" short-term rental facility. (No utilities, no services) Provide Mr. McGraw with materials for next steps – PB consultation, ZBA Special Exception. Research prior zoning permit issued to McGraw w/r/t building cabin in the woods.

C. Forwarded STR materials that I have to town Office of the Selectmen for handling, filing, scheduling.

D. Inquiry from Edwards/Mason regarding STR on Woodcrest Rd (Private). Referred to town office.

E. Review information w/r/t STR on Georges Mills Road.

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After a conversation with Dick Whit took the formal steps of putting all of the materials that have been developed regarding short term rentals. Now all of the materials for the steps for the review and consideration of short-term rental of guest facilities businesses reside in the office of the Selectboard. The final versions should reside on the website. Tamara said she will post that once received back from the attorney.

**Minutes of February 13, 2023:**

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*Whit pointed out we do have a noise regulation in our zoning ordinance and it does not use objective measurement standards; that is a point where he disagrees with some of the more popular views that ask how to you regulate something you can't measure. Whit's response to that is a "reasonable person" can decide what's too loud and a "reasonable person's" standard is an enforceable standard.*

Poul made a motion to accept the minutes of February 13, 2023 as amended. The motion was seconded by Dick. Poul and Dick voted in favor of the motion.

**Court Status:**

Tamara informed the Board that attorney Fillmore is on a leave of absence until March 6<sup>th</sup>. There is no further progress on any court actions.

**Unfinished Business:**

Poul announced we have received the road agent's resignation letter. Poul and Tamara will work on ads for the two positions at the highway garage and there should be a discussion on salary levels. Both positions will be advertised at the same time. However, the closing dates of these positions will be staggered.

Dick stated the Board has been discussing the definition of short-term rentals for a long time. Dick reviewed the RSA's and found two definitions of short-term rentals under RSA 48-A:2 and RSA 78A-3; copies were provided. The first is vacation rental or short-term rental for less than 30 days. The second definition is a short-term rental means the rental of one or more rooms in a residential unit for occupancy for tourist or transient use for less than 185 consecutive days. Dick favors the 185 days because it covers more of the spectrum of rental periods the town has, and is, dealing with. If the Board accepts the 30 days, there is still a gap that the checklist says is a business; we need to bridge that gap and Dick feels the simplest way to do that is to adopt the RSA definition of 185 days.

Jen Roberts asked what the Zoning Board felt the most appropriate number of days for an STR would be. Whit stated, as far as he could tell, it was probably in the range of 90 days. Whit said

the 185-day standard is the standard that is used to determine whether rooms and meals tax has to be collected; this tax must be collected on any lodging that is up to 185 days. The other statute has to do with housing standards, not really lodging. The statute that deals with the 30-day term has to do with the condition of the premises and the obligation of landlords to keep safe housing standards in municipalities. There is a reasonable position that actually neither of those definitions applies. Whit's personal view of it, after two years of working on this, is that the Colby Hill Homeowners Association are the closest to what is a reasonable situation. They have in their bylaws, their HOA agreement, that no one on Colby Hill can rent for a period of less than 90 days. This lets the snowbirds rent their property if they go away for six months. The NHMA is leaning towards the shorter period; their writings suggest 30 days. Whit feels Colby Hill is closest to the target as far as days. Whit's view is that 185 days is the definition that is contained in a tax statute and the 30 days is the definition that is contained in a housing safety statute and the Colby Hill definition of less than 90-days not being allowed is probably at the extreme end of what is reasonable. Whit stated this is just his opinion. Whit added that Cordell Johnston has written the best pieces on this subject, and it is all available online.

Poul is still unsure. He is inclined to keep things as they are currently until we get more clarity from the state. Poul stated the more restrictions the town puts on to make it difficult the less volunteering there will be. Whit agreed but worries less about that because neighbors tell on neighbors. Whit stated his view is people go away and rent out their houses all the time and that is not the same as advertising on Airbnb. Whit added that he was glad Jeremiah was at the meeting and wished that George McCusker was there because the person who wins the election is going to have to think about this and weigh in; he also wishes Amy was at the meeting tonight as this is something for the collective wisdom of the selectboard to chew through.

Jen Roberts asked, in regards to deciding on the amount of days, what is the end goal the town is looking to achieve. Dick stated as someone who lives on a dead-end private road and has one or two short-term rentals on one end and another at the other end, he never knows who is traveling up and down that road. What Dick wants is to have an owner who is concerned enough about the rest of the residents to vet those people carefully, make sure whoever they rent to isn't just responding to an Airbnb ad and is given the combination to a lock box on the door. That is Dick's goal, to have an organized kind of structure for people that want to have short-term rentals and will stand on his 185 days, just so that the people in the neighborhood feel safer about it. Whit added that there are as many feelings about this subject as there are people who have thought about it; it can be generational, neighborhood based, etc. Jen agrees people feel different about this topic. Jen is aware of a property that is not being maintained or taken care of as it is supposed to be for the homeowners who are no where near here. Whit said that falls under the article 48 statutes; that is the 30 day one having to do with the safety and maintenance of a property. Anyone who is renting for less than 185 days is required to register with the state and is required to collect the rooms and meals tax. The brokers who are involved in peddling these properties all do that. Poul stated this is not a tax-driven matter, this gives an opportunity to be able to react to these situations.

Jen Roberts added that she and her husband had to jump through a lot of hoops to build their mother-in-law apartment. Now there is a renter that she is aware of in town that nothing is being done about; that property owner is not approved to have a rental. Dick added that property owner is on the list of people to send letters to, but it is a long list. Dick went back to Poul's point about the taxes not being part of this issue; taxes are part of it. Poul agreed that is true, but taxes was not the objective of setting up this process, but it is a factor.

**New Business:**

Town elections will be held on March 14<sup>th</sup>, and Jill has been asked to stand in for Amy during the election. Dick and Poul will be at the election for the duration.

At the town meeting, on March 18<sup>th</sup>, there are three warrant articles that need to be presented. Poul will discuss the highway truck and Dick will discuss the budget and the veteran's preference.

**Board and Department Updates:**

The cemetery commission had a meeting last Tuesday and they invited the two candidates for election. They outlined what they wanted to do next summer and the majority of it has to do with trying to repair stones up at the cemetery and also to ensure a smooth transition of the duties of selling and tracking cemetery plots. Dick Petrin, who is the current chair, is not running for re-election and he wanted to make sure that of the people remaining on the board someone will have to sign up for that responsibility; to act as treasurer and track cemetery plots.

Dick asked if Tamara had heard anything from the attorney regarding Sanborn Hill Road. Tamara has not and is not aware if Amy got a letter to the attorney. Poul asked Tamara to follow up with Amy on that letter.

**Signatures:**

Transfer station agreement. The amount stated on the agreement is dependent of Sunapee's budget being approved at their town meeting. If their budget is not approved, it will default to last year's amount.

Delegation of Deposit authority form, there has been some change in the language on the form which will cut back on the number of times the town clerk need to go to the bank to make deposits.

Visitor Beach and Visitor Transfer Station passes initialed by board members. There is an expiration date of October 1 on the passes.

**Miscellaneous Business:**

At 5:33 p.m. Dick made a motion to enter into non-public session to discuss hiring of personnel RSA 91-A:3,(II)(c). The motion was seconded by Poul. By roll call vote Dick voted, Poul voted aye.

Dick made a motion to exit non-public session at 5:39 p.m. The motion was seconded by Poul. By roll call vote Poul voted aye, Dick voted aye. Poul made a motion to seal the minutes. The motion was seconded by Dick. By roll call vote Dick voted aye, Poul voted aye.

Tamara informed the Board that Christine Fillmore will be back in the office on March 6<sup>th</sup>. Shawn will be reviewing the short-term rental papers.

The meeting adjourned at 5:40 pm.

Jill Hastings

Deputy Administrative Assistant