

**BOARD OF SELECTMEN**

**OCTOBER 8, 2018**

**MEMORIAL BUILDING**

**4:00 P.M.**

*The following are to be considered draft minutes until approved by the Board.*

The meeting came to order at 4:00 p.m. and opened with the Pledge of Allegiance.

Selectmen present: Tamara Butcher, Chairman; Dick Hendl, and George McCusker.

Others present: Leigh Callaway, Jim Bednar, and Whit Smith.

Leigh reported cash donations of \$95.00 have been received for the 250<sup>th</sup> Celebration. \$30 of that from the donation jar at Saturday's concert. Motion by Dick to accept the \$95.00 donation to the 250<sup>th</sup> Charitable Trust. Motion seconded by George and unanimously approved.

Jim Bednar reported the 250<sup>th</sup> Committee has two events coming up at the Meetinghouse. November 12<sup>th</sup> a Sip and Soup lunch will be held from 11 to 2, and on December 1<sup>st</sup> there will be a Christmas Craft Fair. The committee will be meeting tomorrow to work on finalizing plans for winter events. They will plan a meeting with the Selectboard to discuss the winter needs for the Meetinghouse.

Fire Truck Bids: Information has not been received from Auctions International about a final bid. There was an ad in the shopper, but it erroneously listed the truck as \$10,000 not 10,000 miles. Dick reported the shopper will refund Alan for the error. Tamara will speak to the Fire Department to decide how they wish to proceed. Someone expressed an interest in the truck prior to the auction.

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, October 8, 2018.

Here is a summary of permit applications and Zoning Coordinator activity.

Application for Permit – Acted Upon, Approved:

1. Jerry Lucente-Kirkpatrick, 11 Spring Glen Road; Application for placement of a shed on the property. Zoning Coordinator has been out to the site and has spoken to the property owner/applicant on the phone. Location properly marked. No issue with setback requirements. No wetlands issue. The structure will be less than 35' high. APPROVED by Zoning Coordinator pursuant to delegation of authority.

Application for Permit PENDING:

NONE.

Other Matters.

A. Review letters received from “Concerned Vocal Citizen” and Woodcrest Shores Realty Trust regarding the Petition by Tunis LLC for approval of Accessory Dwelling Unit. Assemble CVC letters at the request of BOS.

B. Assist in preparation of Agenda for Zoning Board of Adjustment (“ZBA”). Attend ZBA meeting. Take minutes for the same. Hearing continued to Tuesday, October 9, 2018.

C. Inquiry from property owner (phone call, document package) regarding use of attic ladder to create door between primary dwelling unit and proposed Accessory Dwelling Unit (ADU). Forward inquiry to Chair of Planning Board as this matter is pending before the Planning Board.

D. Respond to email inquiry regarding placement of electrical generator at cell tower site.

E. Per direction from Selectman McCusker, re-visit to George Hill Rd. lot where manufactured house construction is anticipated; purpose: measure again distance to lot line from location of planned house. (Previously approved – 9/23/2018) Iron Pin (corner of lot) located. Trees flagged to mark lot line. Confirmed distance from lot line to proposed site for placement of manufactured house.

<< RWS 10/07/2018 >>

Whit reported in his conversation with Mr. Lucente-Kirkpatrick, he found that Home Depot will not fulfill an order for the sale of a shed until a Zoning Permit has been approved. He has run into this more and more recently, with generator installers and Snow Construction.

Whit stated after he assembled the letters from the Concerned Vocal Citizen and sent them to the Selectboard to circulate with Planning and Zoning Chairs, a 6<sup>th</sup> letter was received. The ZBA Chair told him she felt it was inappropriate for the ZBA to read the letters.

Whit stated he checked the site on George Hill Road. Nothing has been poured yet. There is a sand pad there for the mobile home that still needs gravel. The dimensions of the pad is still in an acceptable position and the flags for the mobile home are still in place. The septic has been installed. It would appear that there is more like 40’ to 45’ from the lot line to the flags. Whit will continue to check and be in touch with the owner.

Whit reported he took minutes for the Zoning Board on October 2 which have been posted on the website. The hearing for Bryan O’Day scheduled for October 2 was rescheduled to October 9<sup>th</sup>. The Selectboard reviewed the circumstances. George noted he was made aware that Pete and Sue Abair were not going to be able to make the meeting due to a family emergency. He assumed others were aware. Whit agreed to take minutes but the application was not at the office and materials were not available for the Board members. Since the file was missing, and

the board could not confirm if abutters had been notified, they voted to continue the hearing to October 9<sup>th</sup>.

Whit stated after the meeting was adjourned he and Susan Chiarella, ZBA Chair discussed Accessory Dwelling Units. Susan also reported she had received copies of the Concerned Vocal Citizen letters, but as ZBA Chair did not want to see them, and did not feel board members should see them either.

Tamara asked for clarification of the issues leading to the decision to continue the ZBA meeting. Whit stated ZBA members present were Susan, Justin, Bryan, alternate Jim Bednar, and new alternates Tanner Jacques and Poul Heilmann. In Sue Abair's absence, no one could confirm if abutters had been properly notified. A public notice did appear in the Valley News and was posted locally. There were no abutters present. Susan was concerned that Bryan would be recusing himself, and the Board would be relying on new members and alternates for the hearing. Information packets had been e-mailed to members, but Susan was unsure if everyone got one. Jim Bednar stated he had not. Whit noted he was able to pull the information needed from his computer files. In light of the circumstances, Susan felt the hearing should be postponed until October 9<sup>th</sup> at 7:00 p.m. The Board agreed.

Whit reviewed 140 and 150 Woodcrest. The CVC letters point out details from meetings of the Selectboard, Planning Board, and Zoning Board. He suggested perhaps there needs to be a meeting between the leadership of all three Boards to delegate responsibility of the different boards in this matter. To an objective observer, this matter does not appear to be getting better on its own. In his discussions, the owner of Tunis LLC would like to resolve the issues without attorneys and litigation. Some of the Zoning Members are "fit to be tied" due to past claims by the owner and representative(s), as well as the interpretation by the CVC group. The Zoning Chair recuses herself in this matter. There appears to be a lack of interest and action by the Department of Environmental Services and the AG's office. Several variances were granted by the ZBA, and some have been ignored or not complied with. Concern has also been noted with the number of bedrooms in each residential structure. Whit reported with the current layout as he has seen, there could be 6.5 or 7.50 bedrooms between the two structures. At one time there had been advertising by the applicant of 3 bedrooms at 140 Woodcrest. The septic approval is for 4; two bedrooms in each structure.

Dick asked Whit to clarify if it is a State law or Springfield Zoning Ordinance that defines the type of doorway between two living units. Whit stated the Springfield Zoning Ordinance includes the requirement of a door between the two units. State law is silent as to what type of doorway. The State does not allow the Town to mandate that the door remain unlocked. The Town Ordinance requires the door between two units be able to be locked. An owner may be uncomfortable renting an attached apartment to someone who is not a family member without a locking door between both units. Tamara questioned what would happen if there was a pull down attic-type door. Whit stated both parties would have to agree to leave the door unlocked.

Whit stated as far as he can tell, a pull-down door has nothing to do with access and safety. He noted again, the three boards need to be on the same page to find a solution and put this behind us.

Minutes of September 24, 2018: The Board unanimously voted to accept the Minutes as written.

There will be a meeting of the Capital Improvement Committee on Tuesday, October 23, 2018 at 7:00 p.m. at the Town Office.

Perched beach: There has been no further response on the issue of the telephone pole or whether there is an easement for the pole. The State DOT has said they do not have a Right of Way through that area. There has not been any further information from the Conservation Commission on the perched beach, but George stated he did not think they were in favor of it. Dick will contact Representative Ruth Ward to see if she can assist with the pole relocation.

Highway storage and sand shed site: George stated Pete is knowledgeable in excavation type work and he seemed to indicate he could do a portion of the project. Tamara will talk to Pete to see how much work can be done at the site with town equipment and get an idea of next step costs for the next Board meeting.

The MS-1 should be completed later this week and sent to the DRA in preparation for tax rate setting. The assessed valuation for Springfield Power has reduced about 1.6 million due to market conditions, and will result in approximately \$30k+ loss of tax revenue to the Town.

#### Board and Department Updates:

George stated the Conservation Commission would like to remove Jeremy Johnson as a member. He does not attend meetings. The Conservation Commission would like to add Tim Fraser and Emily Cleaveland to be added as members. Emily is interested in invasive plant species. Janet thought Tim Fraser was already a member. Motion by Tamara to remove Jeremy Johnson. Motion seconded by Dick and unanimously approved.

Tamara moved to approve Emily Cleaveland as a member of the Conservation Commission, George seconded the motion and all approved. George stated he is a voting member of the Commission since he was appointed prior to being on the Selectboard.

George stated he will be attending a meeting of the Upper Valley Lake Sunapee Planning Commission on Wednesday. George and Whit attended a presentation regarding Accessory Dwelling Units in Lebanon last week. They did not find it extremely helpful, and not relative to Springfield or a lot of NH communities.

Dick stated the Library has not had a response from the DOT on their second sign placement request.

The 250<sup>th</sup> Committee will be shoring up their plans for 2019 and by the Selectboard's next meeting should have an idea of their request for the use of the Town Hall for January, February and March.

George reported Peter has had no communication from the bussing company or school board regarding the bus routes. They are sending small busses down private driveways and traveling on some different back roads this year. Janet stated she contacted the bus company and gave Peter the list of bus routes and a number to contact the bus company.

The Board reviewed and approved a request for Holiday time off from Pixie Hill, Town Clerk for December 24<sup>th</sup>, 25<sup>th</sup> and 26<sup>th</sup>.

The Board discussed the paid holiday for the day after Thanksgiving which is always a Friday, and the office is always closed on Friday. Motion made by Dick that going forward, the day after Thanksgiving would be deleted as an office holiday. Motion seconded by George and unanimously approved. Motion by Tamara to add Columbus Day as a paid holiday for office staff. Motion seconded by Dick and unanimously approved. Other departments' schedules vary. The Board noted that the Town Clerk and Tax Collector's work schedule is determined by the Clerk. The Highway Department currently takes Columbus Day off and works President's Day. There would be no change to their paid day after Thanksgiving.

At 5:42 p.m. by the unanimous vote of all three Board members the Board entered into Non-public session per RSA 91:A III Personnel.

At 5:55 p.m. the Board entered back into public session. Motion by Dick to seal the non-public minutes, seconded by Tamara and unanimously approved.

The meeting adjourned at 5:56 p.m.\

Submitted by,

Janet Roberts  
Administrative Assistant