

BOARD OF SELECTMEN

JULY 22, 2019

MEMORIAL BUILDING

4:00 P.M.

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

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

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

Others present: Mark Laughlin, Whit Smith, Leigh Callaway, Olivia Weathers, Ryan Peterson, Mike Lawlor and Keith and Susan Cutting.

Dick requested that the minutes reflect the “stupendous” Old Home Day Celebration and extended ‘kudos” to everyone who took part in participating in pulling it all together for a very successful day.

Leigh Callaway reported as a result of Old Home Day, the 250th Committee received \$1,312.50 in donations, with \$1,100.00 earmarked specifically for the lift. Steele Davis donated \$250.00 and coordinated a 50/50 raffle and a chance to cut off his ponytail. Scott Waddell was the winner of the raffle and donated his winnings of \$250.00. Tamara moved to accept the \$1,312.50 to the 250th Trust, seconded by Dick and unanimously approved. Leigh noted that the merchandise wagon is run every weekend by volunteers and realized \$757.00 in merchandise sales over OHD weekend.

Mark Laughlin addressed the Board with concerns of a woodlot being run by his neighbors. (Cote) They have grapple loads of wood brought in and are sawing six days a week, all day long, and into the evening. Mark noted this activity is not feasible in a residential neighborhood. He has spoken to the Cotes and the sawing has quieted down some. There does not seem to be a specific time of operation. The wood is not all for their own use. They advertise wood for sale and many times there are two chainsaws running at once, and a wood splitter. Whit reported he has visited with Nick Cote. Nick sells about 50 cord of wood per year. Whit spoke to Nick about site plan review, and if necessary, special exception. Nick is willing to follow through. Due to the line-up of businesses coming before the Planning Board, Whit suggested it may be October or November before Nick has a hearing. Whit noted the Planning Board is tolerant of these types of businesses in town with strict adherence to an approval. Mark requested the minutes show that he was diagnosed with PTSD (Post Traumatic Stress Disorder) with TBI (Traumatic Brain Injury) about a year ago. The non-stop sawing is troublesome to him. Whit stated Mr. Laughlin’s concerns may push the hearing process up a bit. The Cote’s have agreed to comply with town regulations. Nick is a budding entrepreneur, licensed and insured to do tree work and logging. He lives at his parent’s residence and is conducting his business from there. Mark agreed Nick is a hard-working young man, but the noise is affecting the peace and quiet at his property. Whit told Nick he can continue with the wood processing while they are preparing for a hearing with the Planning Board. Nick may be looking at other areas he may be able to operate the sawing to create less impact. Tamara explained to Mark that logging and wood processing is an industry that happens all over New Hampshire, and it is not unusual for this to be taking

place in residential areas anywhere Mark stated he understands but would like it not to be operated extreme hours of every day. Whit stated he will continue to work with Nick to apply for a hearing. Mark will be notified when a hearing will take place.

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, July 22, 2019. Here is a summary of permit applications and Zoning Coordinator activity.

Application for Permit – Acted Upon, APPROVED

1. Tonya and José Suarez, 108 Sanborn Hill Rd. Application to build garage. Zoning Coordinator has been out to the site. There are no wetlands issues; no setback issues and the garage will be less than 35' tall. Mr./Mrs. Suarez are not engaged in any business activity at this location. Zoning Permit Approved pursuant to delegation of authority.

2. Tonya and José Suarez, 108 Sanborn Hill Rd. Application to build deck and addition to kitchen (attached to existing residential structure). Zoning Coordinator has been out to the site. There are no wetlands issues; no setback issues and the structure will be less than 35' tall. Mr./Mrs. Suarez are not engaged in any business activity at this location. Zoning Permit Approved pursuant to delegation of authority.

3. Warren George, 78 Town Farm Extension. Application to build/place a 12' x 24' shed in the meadow - a way back from his house. (Mr. George's parcel is 115 acres.) Zoning Coordinator visited the site (accompanied by the Health Officer after the last experience in the neighborhood) and discussed the plan with the applicant. No setback issues, no wetlands issues and the structure will be less than 35' tall. Note: As previously reported, Mr. George does have a trash pickup business from this location. Mr. George acknowledged that he is willing to consult with the Planning Board regarding his home business. He also expressed his view that he is not in favor of zoning and land use regulation. Zoning Permit for the shed Approved pursuant to delegation of authority.

Applications Received, But NOT Acted Upon.

4. Judy Orłowski, 142 Eastman Access Road; Application to build/place a 12' x 24' shed next to her driveway. Zoning Coordinator visited the site and discussed the plan (by telephone) with the applicant. The area has not yet been staked out. Zoning Coordinator will meet the applicant to determine the location for the proposed shed. There are no setback issues, no wetlands issues and the structure will be less than 35' tall. It does not appear that Ms. Orłowski is engaged in any business activity at the location, but Zoning Coordinator will confirm by interviewing this lovely lady.

5. Alison and Kurt Conlon, 22 Lamson Lane. Application to completely rebuild/renovate their camp/lake cottage. The same footprint in the same location. Zoning Permit required because they will significantly expand the size of the deck. Shoreland Permit is in process with the State of NH; new septic design complete, if required. Lot is non-conforming (less than ½ acre). Location

of residential structure is legitimately “grandfathered” and same footprint is approved provided project completed within one (1) year from the date of commencement. No business activity.

Other Matters.

A. Visit Jeff Rosen, 18 Glenwood Road (Eastman) upon his invitation to see the home he has completed.

B. Attended Joint Planning Board and Zoning Board of Adjustment meeting. Public hearings for LaCaillade – site plan review (continued again), Cory Swenson/Robert Lane Trust (didn’t show) matter was dismissed; Tim Fraser d/b/a Protectworth Brewing (ZBA granted Special Exception for the business, but the Planning Board continued the matter because Mike Howard wanted to see all the information on a single drawing and made to scale), Cutting (consultation regarding “High Tunnel”), Ryan Peterson (consultation – home business/commercial activity). Presentation of Rules of Procedure, which Zoning Coordinator had not previously seen. So, basically, although the meeting lasted almost three (3) hours, other than dismissing the Lane Trust matter, nothing was accomplished. Although it should be noted that Mr. Dan Saulnier did attend the interminable meeting to express his desire to serve as an alternate on the Planning Board. The Planning Board moved to “executive session” to discuss that near the conclusion of their meeting.

C. Consultation with Mr. Scott Knabb regarding application for Conditional Use in order to build new residential home with Accessory Dwelling Unit included.

D. Meeting with property owner (Stoney Brook Road) to discuss replacing the substructure of camp/lake cottage by raising the existing building approximately five (5) feet and pouring a full foundation under, thus creating additional space for the building.

E. Visit to Staples Office Supply in West Lebanon to view samples of paper stock and get quotes for Zoning Information brochure. Forwarded info to Dick Hendl. Noted typos in the brochure – still needs work and additional formatting before it is “camera ready” to go to press.

F. Visit to Kennebec Lumber Mill for tour of the facility; follow up meetings with Mr./Mrs. Weathers.

G. Consultation with Mike Tully (George Hill Road) regarding his landscaping/snow plowing business.

H. Meeting with Ryan Peterson (after his consultation with Planning Board referenced above) regarding next steps he might want to consider and the requirements articulated by the Planning Board to support an application for Site Plan Review and whether or not he needs to go to the Zoning Board of Adjustment with an application for a Special Exception.

I. Meeting with Scott and Nick Cote regarding wood processing, tree work and logging business.

J. Consultation with property owner regarding town requirements for developing a lot (mostly in Springfield, but partially in the town of Grantham). Placement turn-offs/pass-by in access road longer than 1000'.

K. Responded to town clerk regarding inquiry as to whether replacing a 5'x5' roof on well house that has rotted and hides a propane tank requires a Zoning Permit. It does not.

L. Prepared final edits (removed "DRAFT" notation and added pagination to the revised Zoning Permit Application. This document is now ready to be put up on the town's website. Remove old application.

<< July 21, 2019 >>

Whit reported the application for a shed for Warren George has been approved. There are no setback or wetlands issues. The shed will be located well away from everything on the property. Whit stated he asked Health Officer Ryan Peterson, to accompany him on the visit due to an uncomfortable encounter from a neighbor at a previous site visit. Whit asked that Ryan be compensated for his time.

Judy Orlowski just purchased a house on Eastman Access Road. She applied for a permit to put a shed on the property. The house has been all refurbished and Whit confirmed that a deck on the house replaced an existing deck. The location of the shed meets all setback requirements. Whit presented the application and the Board signed it.

Whit reported Alison and Kurt Conlon own a cottage on Lamson Lane. They plan to renovate and refurbish on the same footprint, with the addition of a deck and a covered entrance area. They filed an application for the construction of the deck. In reviewing the plans, the deck will be about 5' from the property line, but not more non-conforming than the existing house on a .68-acre lot. Mr. Conlon has completed an application for a Special Exception to deal with the setback. The case will be heard by the Zoning Board in September.

Scott Knabb is applying for a new residential structure on his property on Stoney Brook Road. He is applying for Conditional Use from the Planning Board to include an ADU in the new structure. His case will be heard in August.

Whit has spoken with Mike Tully and will be following up with him to process an application for his landscaping business.

Ryan Peterson had a consultation with the Planning Board. He will be working on applications for Site Plan and Special Exception.

Tanner Jacques will be presenting applications for Special Exception and Site Plan Review for Twin Lake Villa in October.

Janet asked if it might be possible for an application to be processed sooner than the late fall for Nick Cote. Whit discussed the line-up of businesses in the queue for August and September hearings make for full meetings. Tamara stated Nick is in line to have a hearing and she does not feel others in the queue should be moved. Whit will work with Nick.

Whit reported at the Planning Board meeting (July 18) the requirements for plans submitted for site plan review seemed to be a moving target. The hearings were disorganized and members who may not have been present during some of the past hearings, started asking questions that had already been covered and making changes to some of the requirements for some applicants versus what others have been requested to do. Side conversations taking place were distracting to those in attendance. Pete Lacaillade's hearing was continued and he will be on his third visit. The intent was not to make this process difficult for applicants. Whit stated he and Janet have discussed changing the concept of joint hearings. Applicants would have to appear twice, but it may be possible to notice each hearing with one mailing. Whit will review this further. Whit noted a casual conversation with people needing to meet compliance has resulted in a willingness for people to get on board.

Whit had a phone consultation with the new owner of property on the Springfield/Grantham Town Line at Woodland Heights. The owner has a couple of ideas of what he wants to do and is aware of the regulations when he gets ready to move forward.

Whit reported he was invited by Jeffrey Rosen to visit his new house. He found the house was not built according to the design depicted on his zoning permit application. The house he built is smaller than the original plan but no closer to the lot line. Mr. Rosen stated he submitted an "as-built" septic design but did not amend his zoning permit. Whit noted septic plans and as-built designs comply with State requirements but are not considered a building plan for the Town. There are two cupolas on the home that may be close to the 35' height limit. The lot is very small, almost unbuildable. The as-built structure is less square footage and a smaller footprint and meets all setback requirements. Mr. Rosen met with the Planning Board prior to construction regarding wetlands on the property which had been mapped by a wetland scientist. The Planning Board determined the wetlands were not part of the McDaniel's Marsh buffer and did not require the 600' setback. Mr. Rosen did a good job of placing the house on the property. Whit requested direction from the Select Board as to how they wished to proceed. Dick stated he is surprised that Mr. Rosen did not see the need to come back to the Town prior to changing the house plan since he did so much preliminary work. Dick suggested tabling further discussion until the Board can do further research.

Minutes of July 8, 2019: Motion by Tamara to accept as written, seconded by Dick and approved by both.

Sue and Keith Cutting: Keith stated he had met with Whit and asked whether a high tunnel required a Zoning Permit. Whit advised him to go before the Planning Board with the question. He met with the Planning Board Thursday night and no one could answer the question. They told him they would need to research further and get back to him. Tamara stated she had never

heard of a high tunnel and questioned Keith about it. Keith stated his high tunnel is 14' x 48' and is an elevated cover, quite often plastic, attached to poles to allow crops to be grown in the ground, extending the growing season. Some people put them up and leave them up, but snow load and sunlight shorten the life of the plastic. They are not permanently affixed to the ground, as opposed to a greenhouse. They do not have ventilation or fixed electrical power, though a cord could be run to it. There is no fixed shelving, and no heating. Keith's question to the Planning Board was whether a high tunnel was a structure or an implement of agriculture. He said they were unable to answer and tabled the discussion. Whit stated he has done a bit of research on a high tunnel versus a greenhouse. A high tunnel looks like a greenhouse, often without sides, and is high enough for equipment to be driven through, usually with some sort of fabric covering, versus a "glass and pane" type greenhouse. The structure is typically steel or plastic PVC pipe, typically as permanent as the coverings. Vegetables are planted directly in the ground, versus on tables and shelves. He has reviewed the RSA's regarding high tunnels and there is nothing in the language to suggest this is not a structure or that an implement of agriculture is different. Whit stated the Zoning Ordinance lists what is a structure and what is not a structure. A high tunnel is like a fabric shelter and is large enough to require a zoning permit. Dick noted that fabric structures, such as temporary garages, or fabric structures being used to cover hay have required zoning permits. The ordinance addresses fabric structures of a certain size. Keith stated if he does need a permit, he will pull a permit. Dick and Tamara agree the high tunnel falls under the definition of structure and requires a zoning permit. Whit stated if the size or location were to be amended, or the structure was taken down for more than a year, a new zoning permit application would be required. Keith asked if it is the Select Board's determination that a high tunnel is a structure and does require a zoning permit. Dick and Tamara both said a high tunnel is a structure and requires a zoning permit.

Keith asked about access off Perley Road. His father-in-law is now deceased and he was a partner in a piece of property off the Perley Road. The land is now in probate, and he has questions regarding frontage and access. He asked if Perley Road from the intersection of the Old New London Road, to the Noyes Road is Class VI or something other. If the road is Class VI it has one value and if not, it has another. The information is needed for probate. Tamara stated that the Selectmen will need some time to look through town records.

Old Business:

Kennebec Mill visit: Dick reported he, Whit, and Ryan attended the tour led by Mark Gilbert. Mark demonstrated several scenarios of kiln operations. Some vent on top, some vent on the sides. The source of the issue appears to be the ones that vent on the side with the fans running at max speed. When the vent baffles are closed there is one level of noise and when they are open the noise is louder and the frequency is greater. Mark is working with a kiln designer to see if adding shrouds over the vents might help to mitigate the noise. The data collection will be ending soon, and Mark will report on the findings. Ryan asked if Kennebec would provide information regarding the cycle of how long the vents stay open. The noise is continuous and from what he hears, he is unable to tell a difference if the vents are opening and closing. He is not sure adding shrouds is the answer. Dick suggested waiting to let Mark finish the testing process they have started. Whit noted if the fans are running at 60 Hz for 2-3 days and the vents

are open the entire time that could be the source, but if the vents are opening and closing then it would seem the noise is not coming from the vents. Dick noted something did change when Kennebec took over. At the visit, Mark had stated that Evarts didn't run the factory the way Kennebec does. Evarts ran at a much lower rate, and the grades were not the same quality as that of Kennebec. Kennebec gets the moisture out as soon as possible. Evart noise would have been less than what is happening now. Olivia commented that when Mark took readings with them both in the same spot at her house, her readings were higher. Olivia said her meter is a free app on her phone. Whit stated his readings are within 1 to 2 dB as Marks and he and Olivia's readings have agreed. Dick stated his readings are about the same as Whit and Olivia's. Whit spoke about the T-storage units and suggested it is plausible that when Evarts was running and processing twice as much product as Kennebec, the units could have been full of finished inventory that had not been sold and could have acted as a buffer. That is not part of Kennebec's business plan and perhaps without that buffer, the kiln noise may be exacerbated. Ryan noted his concern that shrouding the vents is not going to be the solution and he would hate to see them spend money to fix something that "isn't broken". Ryan stated Mark reported the kiln insulation is not outdated yet and he would like to see them look into insulation and sound mitigation inside the kilns themselves to keep the sound within the box. Dick will convey Ryan's question to Mark. The Board will wait for reports from Mark.

Brunelle Shed: Dick reported a letter has been sent to Mr. Brunelle, giving them until the 27th of this month to remove an unpermitted shed or apply for a zoning permit.

Highway storage/sand shed site visit: Dick reported he, Tamara, Pete Abair and a few others walked the area behind the highway garage with Lou Caron, engineer for the town. Lou reported in order to move forward with the proposed plans, the design for the run-off requires moving the wetlands disruption a bit. Dick will contact Jeff Evans to have him review with Lou how the wetlands permit needs to be amended. Tamara agreed.

Pratt: Dick reported he has gotten no fewer than three e-mails over the weekend regarding activities of Mr. Pratt. One issue had to do with running a grinder starting at 4 am for a period of time for two nights. Dick suggested the police be called if that happens again. Dick noted he has shared the new information with Senator Ward and DES. The DES was to get together on July 15th. Senator Ward's recent communication is that Jeff at the DES is processing the paperwork.

Brochures: Dick reported he has gotten a quote from Echo for 200 brochures at \$174.00. They will come folded and ready to go. He proposes an initial run of 200 to see how many may be needed. He would like to support local businesses and let Echo do the initial run. Tamara agreed. Whit stated the brochure needs a little more work to be "camera ready."

New Business:

Lift Visit: Last week Tamara went to Dartmouth with members from the 250th Committee to view a lift like the one the 250th is proposing. Tamara stated she was quite impressed with the lift. It was not what she was expecting to see. The lift is enclosed with room inside for a person

in a wheelchair with an attendant. Inside the lift, the door locks and there is a button to push and hold to operate the lift. When the lift reaches the floor you want, the door opens for exiting. Two rails with hydraulic pistons raise and lower the lift. 110 power operates doors and lights, 220 power operates the lift. There is battery backup for power failures. Tamara stated she supports the lift as long as there is enough money. Keith Cutting, as Emergency Management Director, commented that a generator at the town hall has been a topic of conversation for several years. If the lift is added, he would encourage applying for an EMP Grant for a generator. He will make some inquiries.

Jenkins: Dick stated at the last meeting, it was discussed with Mr. and Mrs. Jenkins what their options were following the denial of their abatement request. Subsequently, the Jenkins followed up with a letter that did not include any new information or complaints. Dick did not see a reason for the Board to respond. Tamara agreed.

Mark Laughlin stopped back in to address the Board regarding Zoning Ordinance 6.10 Obnoxious Use and read the following to the Board. "Any use that may be obnoxious or injurious by reason of production, emission of odor, dust, smoke, refuse matter, fumes, noise, vibration or similar conditions, or that is dangerous to the comfort, peace, enjoyment, health or safety of the community or lending to its disturbance or annoyance is prohibited. This does not pertain to smoke from the burning of wood for heating of buildings or maple syrup evaporators or burning of brush or smoke or odors related to routine farm practices. Quality standards shall be at least as stringent as those established by the State of New Hampshire." Dick stated the Planning Board will be reviewing this when the Cotes apply for a Site Plan. Mark wanted to be sure his medical condition was brought to everyone's attention. The Board thanked Mark for coming back to review this with them. They told him, as an abutter, he will be notified when Nick's hearing will take place.

Board and Department Updates:

Fire Department: Tamara reported there were 250 adult meals and 25 kid's meals sold at the Chicken BBQ on Old Home Day. The usual amount is 150 to 160.

Dick reported voting doubled in the maple syrup tasting.

Signatures:

Request for PA 28 Annual Inventory Forms for 2020 signed.

DRA MS 535 report signed

Audit Representation Letter signed

Purchase orders for Highway and Police signed

Miscellaneous Business:

Zoning Permit applications received for F. Rainone have been received but without the new fees. The plans are not readable. The permits are considered incomplete. Ms. Rainone will be contacted.

Whit noted he has spoken to the Chief of Police regarding the Cote issue.

Meeting adjourned at 5:45 p.m.

Submitted by,

Janet Roberts,
Administrative Assistant

DRAFT AMENDED 8/7/2019