

BOARD OF SELECTMEN

AUGUST 12, 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; Tamara Butcher, and George McCusker.

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

Leigh reported the donation jar at the Silent Auction event on Saturday August 10th netted \$16.00 in cash. Tamara moved to accept the \$16.00 for the 250th Charitable Trust, second by George and unanimously approved.

Leigh reported in May the Selectmen accepted a gift of Johnson & Johnson stock. The stock is held in an account at Sugar River Bank in the amount of \$993.57 and is being handled by a stockbroker. He requested approval from the Selectmen to cash the stock and turn the money over to the Charitable Trust. A motion was made by Tamara to accept the \$993.57 stock to the trust, seconded by George and unanimously approved.

Leigh announced that there will be a Public Meeting of the 250th Committee at the Meetinghouse on Wednesday, August 14th at 7:00 p.m.

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, August 12, 2019.

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

Application for Permit – Acted Upon, APPROVED

1. Judy Orlowski, 142 Eastman Access Road; Application to build/place a 12' x 24' shed next to her driveway. Zoning Coordinator visited the site and subsequently met with the applicant (second visit) 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. Zoning Coordinator confirmed by interviewing Ms. Orlowski that she is NOT engaged in any business activity at the location. Zoning Permit approved by the Board of Selectmen.

2. John Thompson, 145 Eastman Access Road; Application to build a shed/residence on the lot. Mr. Thompson's residence burned in the Spring and is not habitable. Mr. Thompson has been living in a borrowed trailer that has a leaking roof. The situation is dire, and Mr. Thompson needs a dry place with insulation. He proposes a "shed-like" structure (16' x 12') to live in through the winter while he cleans up the lot. He has electric service and a well. There are no setback issues, no wetlands issues (location is 100'+ from Designated Wetland) and the structure will be less than 35' tall. Considering the hardship, Zoning Coordinator requested the Board of

Selectmen to approve this application without fee. Zoning Permit Approved by the Board of Selectmen.

3. Tim & Kara Berns, 76 Nichols Hill Road; Renewal of Issued Permit to build/place a 10' x 12' shed in the yard behind the house. Same location as originally approved. No changes. Renewal of Zoning Permit for the shed Approved pursuant to delegation of authority. Mr. Berns is operating a home business from this location. Zoning Coordinator will follow-up with Mr. Berns regarding the need for a site plan APPROVED by the Planning Board.

*See notes below regarding appearance by the Zoning Coordinator at the upcoming Planning Board meeting.

Applications Received, But NOT Acted Upon.

4. Francine Rainone, Kings Highway (house number applied for); Applications for Zoning Permits for an Urban Housing Unit (UHU), 328 sq.ft. to be placed on the lot and a 25' x 25' metal "Quonset hut" style garage. Both locations have been staked. There do not appear to be any setback or wetlands issues. Both structures will be less than 35' tall. Ms. Rainone has confirmed that she will NOT be conducting any business or commercial activity at the location. However, applications are not complete – lacking plan view drawings and measurements to boundaries. Also, Ms. Rainone indicated she may want to add a porch to the design. We are waiting for her to complete the applications.

5. Alison and Kurt Conlon, 22 Lamson Lane. Application to completely rebuild/renovate their camp/lake cottage on HOLD because the Conlon's will add to the deck (expanding footprint) and this requires a Special Exception (non-conforming lot and deck encroaches into setback – typical of the lots on the east side of Lake Kolelemook). Due to expansion of deck, a Zoning Permit is required; Shoreland Permit is in process with the State of NH; new septic design complete, if required. Lot is non-conforming (less than ½ acre). No business activity.

6. Carole and Stephen Sanetti, 188 Shore Drive; Application to build front porch addition on the house. Since this is an addition to the residence and the location is on a Private road, a **NOTICE OF THE LIMITS OF MUNICIPAL RESPONSIBILITY AND LIABILITY FOR A PRIVATE ROAD IN CONNECTION WITH A ZONING PERMIT APPLICATION** is also now required. Waiting on receipt of the "Notice" and the fee for the Zoning Permit Application.

Other Matters.

A. Visit Jeff Rosen, 18 Glenwood Road (Eastman) upon his invitation to see the home he has built. Structure appears to be taller than 35' limitation (Variance or Waiver may be required) and house design is different from the one submitted with Zoning Permit Application. No amended Zoning Permit application received. Structure (residential home) has been completed and is now being featured by Yankee Barn Homes in magazine print media and is offered for sale.

B. Mr. Scott Knabb regarding application for Conditional Use in order to build new residential home with Accessory Dwelling Unit – application prepared and filed with the Planning Board.

C. 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. Zoning Permit required. Follow-Up calls to Mike Howard who is the contractor that will do the work of adding the basement. Mr. Howard confirmed (by voice message) his agreement and correct understanding that a Zoning Permit would be required.

D. Consultation with Mike Tully (George Hill Road) regarding his landscaping/snow plowing business. Mr. Tully did not show for a meeting at the town offices to discuss this matter. Zoning Coordinator will follow up.

E. Additional meetings with Ryan Peterson (after his consultation with Planning Board in July) 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.

***Planning Board Meeting – Zoning Coordinator has requested 15-20 minutes at the upcoming Planning Board meeting to discuss and to receive clarification as to what constitutes a Home Business (requiring a Site Plan) as distinguished from a Home Occupation.** (See email dated June 27, 2019 addressed to Kevin Lee, Chair of Planning Board, copies to BOS and administrative staff.)

“We have several entrepreneurs in town who make their living based out of their house. However, they are not really practicing their trade at the location... there is no “heavy equipment” involved in their trade. For example, Tim Berns on Nichols Hill Road has a technology business and does installs of electronics (like alarm systems and home theater). To my knowledge he has no employees; he has no customers coming to his residential location. Also, he does no fabrication at his residence (or if he does, it is minimal). He does have a light duty truck because, due to the nature of his business he goes out to customers’ locations and does his work there.

“This situation might apply to painters, carpenters, electricians, etc. Everything is “in their truck.” No heavy equipment is stored at their home. All work is done off-site. No employees, no customer visits, minimal or no deliveries. One might say they are not actually engaged in the business at their home, except that they do need an “office” (could be the kitchen table) to make calls and appointments, respond to customers, produce bids and bills, etc.

“I have had mentioned to me that someone doing the exact same thing but is working for a company (like Comcast or the phone company, for example) is not engaged in a home business because they are not working for themselves. That strikes me as a very weak differentiator.

Zoning is a land use regulation. I have difficulty understanding how any of the occupations mentioned above results in a use that is not conforming to a "Rural Residential" classification.

NOTE: In light of the several conversations going on around town regarding NOISE and conduct of wood-processing and lumbering business, Zoning Coordinator has reviewed the "Springfield Town Plan" APPROVED by the Planning Board in 2005. Four pages from the Town Plan are excerpted at attached to this report. The purpose is to bring into focus the impressions and desire of the town's populace "to remain ... a rural residential community with uncrowded and quiet living conditions..." Town Plan p.94

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Whit reported he was contacted by Mrs. Orłowski of Eastman Access Road. Her contractor would like to locate her proposed shed in a different location. Whit will be visiting the site.

A Zoning Permit was approved for John Thompson of Eastman Access Road to locate a shed he will be using as a temporary residence for the winter while he rebuilds his residence destroyed by a fire in March. There is electric, water and septic on the property. Waiver of the application fee was discussed. Dick moved to waive the application fee for the shed due to hardship. The motion was seconded by Tamara and unanimously approved.

Whit reported he received new as-built house plans from Jeffrey Rosen, of Glenwood Road. The house he built is like the one proposed in the application, but it is smaller and is oriented differently on the lot. There are two cupolas on the house, which might possibly exceed the height restriction. The house is completed and is on the market. Tamara questioned whether the distances to lot lines have changed. Whit noted distances have changed, but there does not appear to be any setback issues. The height of the cupolas needs to be determined. Motion by Dick to request that Mr. Rosen file an amended "after-the-fact" zoning permit application due to the redesign and relocation of the structure, to include determination of the height of the cupolas. The motion was seconded by Tamara and unanimously approved. Whit will meet with Mr. Rosen.

The Board discussed the new shed that has "shown up" recently at the St. Cyr property on Main Street. Whit has not received a Zoning Permit application. He will contact Mr. St. Cyr.

Whit reported he has spoken Mr. Gaudet who purchased the land on Woodland Heights. Mr. Gaudet is intending to build on the lot and is aware of the circumstances and issues with the lot being in two town. Mr. Gaudet has a different location planned for building.

Whit addressed his concern where several individual businesses, as written in his report above, that may fall in to a gray area as to whether they are engaged in a home business or not. He will be seeking clarification from the Planning Board with recommendations as to how to proceed.

George stated he thought the Planning Board needed a site plan to confirm what is taking place on the property. Without out that, what happens when a business grows. There are some that

could be construed a distraction or disturbance. George stated there are some people who work for others that do bring their equipment home at night, but they are not the business owners. Whit commented he has read the 2005 Master Plan and shared for the Planning Board purposes some excerpts regarding noise. He noted he was surprised that there was not more emphasis on electronic communications with plans for growing that infrastructure.

Minutes of July 22, 2019 and August 7, 2019. Tamara moved to accept the Minutes from both meetings as written. Motion seconded by Dick. Two in favor for July 22 Minutes, (George Abstained) with unanimous approval for August 7.

Old Business:

Sand Shed Site: Dick reported that Lou Caron has a revised set of plans which will require a minor amendment to the wetland's application. This will eliminate a culvert and collection basin. Lou will meet with Jeff regarding the Wetland's application and will ask Jeff for finished drawings including vertical profiles to finish the grading. Lou estimates the site work would take about 3 to 4 weeks.

Tri-Fold Brochure: Whit reported he has the final camera-ready brochure but has not gotten it to the printer yet. He would like to go through it one more time with Janet to be sure it is ready. Dick noted it is important to get the message of awareness out to the public soon.

Pratt: Dick met with Senator Ward. The DES has not written a letter for Mr. Pratt regarding non-compliance yet nor has the AG's office been given any information. Senator Ward will be following up with the DES weekly. Dick has been contacted by someone in town who is willing to write a letter to the Commissioner of DES.

Brunelle: Both the owner and the tenant have been sent letters due to the shed that recently placed located on the Main Street property with a zoning permit. The deadline for compliance has passed. The Board reviewed the next steps. The Board would like to get this matter resolved. Motion made by Dick to send a Notice of Violation to the owner of the property, with a copy to town counsel, giving them until September 5th, 2019 to comply. The motion was seconded by Tamara and unanimously approved.

Cote: Dick reported following up on the complaint by Mark Laughlin, he has visited the Cote property. He met with Nick's dad, Scott and asked if the sawing could be limited to the hours from 8 am to 5 pm. Mr. Cote acknowledged there had been one time with cutting extended beyond 7 pm to fill an order. Dick spoke with Mark after his visit at the Cote's to let him the conversation that took place.

Cutting: Dick told Keith he had started to investigate the road status but didn't get very far. He has gone through road reports in the past and the process is time consuming. He asked Keith if he could provide Dick with a framework of time to assist in the research. Keith stated he will provide citations from certain documents, including a memo of understanding from the New London Springfield Water Precinct.

Lift: Keith reported, as Emergency Management Director, he investigated the battery backup function for the lift. The battery will return the lift to the ground floor only and maintain lights until the battery runs out.

Kennebec: Dick reported he received information from Mark Gilbert regarding testing from the decibel monitoring equipment they rented. The decibels from the kiln fans ran 40 db to 45 db during the testing period. They determined the readings from the rented equipment also agreed with their hand-held monitors. Mark is still working on some recommendations. Dick has requested some additional information from him that he has not received. Dick asked Ryan and Brooks for their observations. Both indicated that over the past 28 days, the noise has been pretty good. Brooks said the noise has gone about back to what it was before and is tolerable. Ryan commented the noise has been good, but they have been testing. He thought they were also drying red oak right now, which would make a difference. They both agreed their experience right now is things are quieter than they have been. Dick asked them to let him know if things change.

Dick reported he also spoke with a Grantham Selectwoman, Connie Jones about the mill there. Back when Evarts was running the mill, the town went to court due to the hours of trucking. The court put limits on the trucks. There were issues when Kennebec first took over, so the Grantham Selectmen sent them a letter. Kennebec had not been made aware of the limits, quickly complied, and there have not had complaints. Connie commented that she and a few others had gone to Solon Maine to view Kennebec site there. The plan is located almost in the downtown. There are 14 kilns there versus 6 here, and they were quiet. They asked what the difference is between the kilns in the two places are and were told there is no difference. There was no mention of difference in topography. Dick noted he wants to be able to understand the difference between the two sites. He will wait for more information and recommendations from Mark.

Whit reported he has made inquiries about an approved site plan from Evarts. There does not appear to be one in the files. Whit stated he has seen what the Planning Board has required from others in this process. He feels that Kennebec should be encouraged to follow this recommendation.

New Business:

Statistical Update: Janet noted in recent conversation with Assessor George Hildum, the town is due for the statistical update for 2020. Typically, the assessing company likes to begin in the fall of the preceding year. Costs had not been determined for 2019 budget. Janet has been in touch with Avitar regarding scheduling and estimates. No information has been received.

Highway Vacation Coverage: George McCusker stated the highway department only has two full-time employees Peter and Mike, plus the Curtis who does part-time cemetery and grounds maintenance. George noted his concern when Peter goes away on vacation with no phone or internet available, Mike often goes with him, leaving no one on call for highway emergencies. George wanted to be sure someone was available when Pete was away, and suggested Ed Abair.

George spoke to Peter. Pete was going to talk to Ed, but he is not sure if that was done. For this current vacation, Mike is not going to be out of town. There needs to be a plan in place for this.

Keith Cutting, Emergency Management Director pointed out that if there is a situation in town where the Board of Selectmen opens the Emergency Operations Center, then thru mutual aide agreement with other towns, police, fire and highway personnel are available. There is a process in place but requires a local emergency incident.

Dick and Tamara indicated they would like to be able to discuss this with Curt and Eddie first and would like to have Peter and them attend the next Board meeting.

George stated he has asked Pete to go over the policies on all the trucks and equipment, so Curt has knowledge of their operation. There is one truck Curt can drive without a CDL.

Board and Department Updates:

Dick reported a majority of the Library Trustees have voted to “rapidly” replace the concrete steps with granite steps.

Recently there was a yellow jacket infestation with a large nest up under the eaves. Mike Fowler was contacted and took care of them.

The Friends of the Library of acquired a sound system. The system is available for town departments to use.

Correspondence:

A note of appreciation was received from the “Queen of the 250th” Cynthia Anderson. Dick read the note for those attending.

Pixie Hill, Tax Collector submitted a list of delinquent tax payers in jeopardy of tax deeding in October 2019. Tamara will work on preparing letters for next meeting.

Signatures: Timber Yield Assessment
Intent to Cut Timber Forms (3)

Dick reported that Mr. Stone on George Hill was invited to come to see the Board some time ago regarding complaints of unregistered cars and debris on his property. There has not been any response. Dick will follow up with a Notice of Violation.

Dick speaking for himself and he felt all those in attendance today extended condolences to Brooks and Olivia and their family on the death of Olivia’s father.

Ryan Peterson shared some documents he had been given about complaints of noise coming from Evarts 20 years ago. Whit will scan and send copies to the other board members.

The meeting adjourned at 5:12 p.m.

Submitted by,

Janet Roberts,
Administrative Assistant

DRAFT