

**BOARD OF SELECTMEN**

**AUGUST 26, 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 George McCusker. Absent: Tamara Butcher

Others present: Ryan Peterson, Brooks Weathers, Leigh Callaway, Don Hill, Mike and Judy Lawlor, Priscilla, Nick and Scott Cote, Miriam Ryan, and John Thompson.

Leigh asked the Board to accept \$1,254.75 to the Charitable Trust. \$993.55 realized from the sale of the Johnson & Johnson Stock, and \$185.20 received in the donation jar at the Dahlia Stroll this weekend. George moved to accept accordingly, seconded by Dick and unanimously approved.

Dick extended congratulations to all on the success of the 2 recent events put on by the 250<sup>th</sup>, with extra “kudos” to the residents of Hogg Hill Road for the set up and refreshments, and to Emily Cleaveland and her family for opening their property to just under 200 people who strolled through her gardens.

Leigh presented the Board with a draft Statement of Purpose. He explained a Statement of Purpose is necessary to direct how the funds from the trust are expended. The Charitable Trust was granted by Don Hill and accepted by the Selectmen. Leigh stated a steering committee has been created (he is Chairman). They have come up with a list of priorities they would like to put in place for final spending from the fund. Don stated without a Statement of Purpose the money could be spent on whatever purpose the town wanted. Two years ago, the Celebration Committee had an idea to put a lift in the Town Meetinghouse to make the second floor more easily accessible for people with mobility issues. The “Give Springfield a Lift” campaign was started. \$42,700 has been donated specifically for the lift. In the event the town does not accept the lift, funds earmarked for the lift would need to be refunded and the committee would be unable commit to the amount that would be remaining. The cost of the lift is \$30,000 and an estimate to install is not anticipated to exceed \$50,000. Leigh asked if the Select Board would be in favor of having Town Counsel review the draft. Don stated the 250<sup>th</sup> Committee is willing to pay attorney fees. The Board agreed.

Don extended appreciation to the Board of Selectmen for their cooperation throughout the 250<sup>th</sup> Celebration and fundraising events. He was pleased Tamara was able to attend the visit to view the lift in Hanover.

Dick said he would recommend if there is to be a warrant article for the lift, it would be generated by petition.

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, August 26, 2019.

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

Application for Permit – Acted Upon, APPROVED

1. Carole and Stephen Sanetti, 188 Shore Drive; Application to build front porch addition on the house. A **NOTICE OF THE LIMITS OF MUNICIPAL RESPONSIBILITY AND LIABILITY FOR A PRIVATE ROAD IN CONNECTION WITH A ZONING PERMIT APPLICATION** has been executed by the owner(s). Zoning Coordinator visited the site and subsequently met with Mrs. Sanetti. There are no setback issues, no wetlands issues and the structure will be less than 35' tall. Zoning Coordinator confirmed that there is no business activity at the location. Zoning Permit approved by delegation of authority.

2. 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. Zoning Permit was approved by the Board of Selectmen at the August 12 meeting.

**Update:** Tradesman who will provide fill and install shed did not like the location selected by Ms. Orlowski. Shed has not been delivered. New location selected; Zoning permit application amended. New location is closer to the house and further from road and lot boundaries. Application being held pending Ms. Orlowski visiting town office and signing the amended drawing in the Zoning Permit.

Applications Received, But NOT Acted Upon.

3. 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. Applications are now complete but being held at the request of Ms. Rainone so that she can amend the same showing a plan to add a deck/porch to the UHU.

4. William St. Cyr, 2334 Main Street; Application (after the fact) to place a shed on property. This is a tough one. Mr. St. Cyr has already been before the Zoning Board of Adjustment for a variance to build a garage/addition next to his residence. The lot is 2.04 acres, so a Special Exception was not an alternative. The lot is predominated by designated wetlands so a 100' buffer is imposed. Mr. St. Cyr needs a place to store his stuff as he tears down the existing garage to allow for construction of the new garage/addition (for which he has a variance). So, he goes out and buys a pretty nice shed and plunks it down in the side yard. No Zoning Permit for that. Mr. St. Cyr is advised accordingly of the need for a Permit – now, after the fact. He files an Application for a Zoning Permit for the new shed and pays the "after the fact" fee. The permit

application drawing is accurate and shows the shed now placed in the wetlands buffer (65' from the edge of the designated wetland). So now it appears the Mr. St. Cyr must return to the ZBA for a variance based on the location of the shed. Zoning Coordinator requests direction from the Board of Selectmen as to how we might handle this situation.

5. Kara Zaleska, 164 Four Corners Road; Application to add a deck (696 sq. ft.) to residential structure. At the closest point, corner of the proposed deck will be 65 feet from the reference line of Lake Kolemook. Shoreland Protection approval is required. Permit Application being held pending resolution of the Shoreland Protection Approval or Exemption.

Applications Received, No Action Required.

Wayne & Corinne Levasseur, 1351 Stoney Brook Road; Application for Permit to rebuild 16' x 18' mudroom/sunroom on the back of cottage. Zoning Coordinator spoke to Mr. Levasseur - No change in size, no addition, built on same footprint; No permit required.

Other Matters.

A. Meeting with Jeff Rosen to clarify the actual build of his residence at 18 Glenwood Road (Eastman Section). Mr. Rosen provided a detailed set of large-scale plans. These clearly show the changes in the "as built" residence from that depicted on the Zoning Permit Application.

The "as built" is substantially smaller than the planned residence (3599 sq. ft. versus 4997 sq. ft.) and garage is now a single car garage (388 sq. ft.) versus two-car garage (681 sq. ft.) Basically the "as built" structures fall within the footprint of the original plans; any differences are *de minimis*. Large scale drawing to be provided to the Board of Selectmen for final decision. Recommendation – No further action on this matter.

Regarding height of Mr. Rosen's completed structure, the "as built" residence is 29-1/2 feet tall. Cupolas on top add another 5 feet to the top of the roof ridge. However, it is noted that Cupolas are exempt from the height requirement measurement per the Zoning Ordinance, Section 3.13 (D) Requirements; Height, at page 6. Recommendation – No further action on this matter.

Summary -

Submitted Permit Application for house and garage:

3238 sq. ft above ground

1759 sq. ft below grade

Total 4997

Two-car garage an additional 681 sq. ft

As Built:

2237 sq. ft above ground

1362 sq. ft below grade

Total 3599

One-car garage an additional 388 sq. ft

B. Attended Planning Board meeting. Mr. Scott Knabb's application for Conditional Use in order to build new residential home with Accessory Dwelling Unit was APPROVED.

C. At the Planning Board meeting there was a lengthy discussion between a property owner and members of the Planning Board as to whether a "high tunnel" (a.k.a. demountable, plastic-covered greenhouse) is a structure requiring a Zoning Permit.

The property owner argued that such structures if used in farming or agricultural activity, are not subject to real estate tax (NH RSA 72:12-d) if (1) removal of the greenhouse will not affect the utility of the underlying real estate; (2) the greenhouse is not permanently affixed to the underlying real estate; (3) the removal of the greenhouse can be accomplished without significant damage; (4) the greenhouse is specifically designed and used for agricultural products; and (5) the greenhouse is not used for the retail sale of any non-agricultural products.

The planning board responded that whether taxable or not, under the town's Zoning Ordinance a "high tunnel" is a structure and a Zoning Permit is required. (Declared by motion with unanimous vote, one-member abstaining).

D. Also at the Planning Board meeting Zoning Coordinator sought clarification as to whether tradesfolk engaged in carpentry, electrical, painting, and technology installations should be categorized as "home occupation" or "home business." The planning board felt the definitions in the Zoning Ordinance are "perfectly clear." OK... There you have it. Perfectly clear.

E. Consultation with Keith and Susan Cutting regarding activity at Cutting Farm, Sanborn Hill Road.

F. Meeting with Selectman McCusker regarding construction of an addition (porch) on a yurt located on Old Boston Road; no permit on file. Took pictures of the construction from the road; forwarded the same to the BOS for consideration.

<< August 24, 2019

Whit reported Mrs. Orlowski's application is being held pending her initializing the change in location for her shed.

Mrs. Rainone wants to add a deck to her UHU (Urban Housing Unit). Whit clarified the UHU in this case is basically a storage container that has been transformed into 328 sq. ft. of living space. Mrs. Rainone is also planning a Quonset style metal garage. He is waiting for revised plans for the addition of the deck.

Whit requested direction from the Board regarding the St. Cyr application. Mr. St. Cyr has filed for an after the fact zoning permit. If he wants to keep the shed in the current location, he will need to meet with the Zoning Board again. Mr. St. Cyr said the shed was temporary for use during construction. George stated he did not think this was different than a dumpster that would

be used for debris during construction if he would agree to a specific time period. George would hate to have him go through the whole zoning process. Whit stated the contents in a dumpster would not be protected from the weather. Dumpsters are excluded, but temporary storage containers require a zoning permit. Janet pointed out the Zoning Ordinance addresses structures whether temporary or permanent. Dick stated he felt the request was too ambiguous to waive the requirements. Mr. St. Cyr can go to Zoning for a variance in the current location, relocate the shed if there is a location that meets compliance, or remove the shed. George said he would agree to that. Whit stated the earliest a case could be heard by the ZBA is October. Whit will speak to Mr. St. Cyr regarding his options.

Mr. Rosen met with Whit and Janet last week. Whit provided the Board with a copy of his as-built plan. The house that was built is less than 3600 sq. ft. with a one-car garage. The proposed house was 4997 sq. ft. The house fits entirely into the footprint of the originally proposed structure except for a small variation in the footprint for a portion of the porch. Mr. Rosen met the Planning Board with an engineer to confirm setbacks from wetlands on his property. The Planning Board determined the wetlands were not an extension of the McDaniel's Marsh buffer. All setbacks are met with the as-built structure. The new structure is substantially smaller than the one originally proposed. Following discussion, Dick agreed to approve the as-built plan. The after-the-fact fee will be waived. The motion was seconded by George and unanimously approved. Dick stated if Mr. Rosen is planning to build more structures in the future, he needs to be sure he seeks approval before any plan changes are made.

Minutes of August 12, 2019: George moved to approve as written, seconded by Dick and passed.

Kennebec Update: Dick stated he has not had further follow up from Mark Gilbert about the noise study. He has contacted Mark and was hoping he would have a report for this meeting. Mark has asked Dick for site plan information for Evarts. A plan has not been found in the office and no one is sure Evarts ever had one. Brooks and Ryan reported the noise level was less during the time the study was being done. Brooks noted that level was a good baseline to use to start with. George reported the Planning Board has formed a subcommittee to begin to look at noise ordinances. Scott Cote asked if there was a definition of noise. Noise complaints seem to be the biggest complaint he hears about. Dick noted this is an opportunity to make their voices heard and encouraged people to get involved with the noise subcommittee.

Brunelle: Dick reported a Notice of Violation has been sent to the property owner and tenant giving them until September 5, 2019 to comply with zoning regulations.

Pratt: Dick reported there has not been any official word from anyone about any action from the DES regarding the issue. The berm has been partially removed and it appears the railroad may have been removed as well. The DES committed to letting the town know what their decision is. Dick has a contact at the AG's office and will contact them after Labor Day if necessary.

Cote: Nick, Priscilla and Scott Cote were present: Dick apologized for a recent e-mail he sent Nick regarding noise the abutter, Mr. Laughlin, had attributed to Nick. The noise turned out to be Asplundh doing tree removal work. Dick noted in the interim of moving forward with Site Plan Review, he asked Nick to abide by the informal hours of 8 am to 6 pm. Abutter Mrs. Ryan stated she lives closer to Nick and she never noticed there was a problem. John Thompson stated he is also a neighbor through the woods, and the noise is not disturbing. Scott stated neighbors are cautious about using their own non-business-related equipment because they do not want to make problems for Nick. Dick stated the Board is not trying to shut Nick down, but they have to act on reports. The Planning Board will determine how the business is to operate with the Site Plan Review. Abutters will be notified when the public hearing is scheduled. Whit will work with Nick on an application for Site Plan Review for October or November.

Cutting: Keith shared the documents he had prepared regarding Perley Road. Dick noted Board members would take some time to review the documents on their own and will contact Keith if they have further questions.

Sand Shed Update: Lou Caron has been in contact with Jeff Evans about drafting amended wetlands application. There is no further information currently.

Tri-fold brochure: Dick reported the brochure is at echo communications. He has approved the draft. The copies should be ready tomorrow.

Statistical Update: Waiting for contact from Avitar.

#### New Business:

Stone property, George Hill Road. Dick reported the Board had asked Mr. Stone to attend a Board meeting a while ago. There has been no response or appearance from Mr. Stone. A Notice of Violation is prepared and will be sent, with a copy to town counsel.

Dick received a complaint about the large deep hole in the Post Office parking lot, near the handicap area. He has written a letter to the owner asking for the hole to be filled in with materials and techniques that will prevent it from reoccurring.

There has been a report of a porch being added to the residence on the Demarest property on Old Boston Road. There is not a permit on file for the construction. Dick has drafted a letter to the owner requesting application After the Fact application or removal. George stated the owner does not live at the property and has been in violation in the past.

Dick reported a new RSA approved by the Legislature that will take effect soon, creates legislation relative to making all owners on a private road responsible for equal contribution for maintenance and upkeep.

Keith Cutting reported Julia Chase, the area representative from the NH Bureau of Emergency Services has contacted him. We are due for a review and update of our Local Emergency

Operations Plan (LEOP). The State has funding available to assist with that. The process can be delayed until after the budget process has been completed. The Upper Valley Lake Sunapee Regional Planning Commission usually provides the expertise, which is covered by the grant, and the Town receives in-kind credit for member participation. The LEOP defines how the Town responds when certain defined hazards arise and keeps the town in the loop for disaster recovery funding. Keith will ask Julia to apply for an EMP Grant to solicit funds. The Board agreed.

Keith stated he has had a conversation with Whit about approaching the Board of Selectmen with the idea of appointing an agricultural committee. Keith stated he has been involved on the outside of these with other towns in going through the agricultural process. A warrant article is required to adopt a committee, which can be proposed by the Board of Selectmen or by petition. He feels the town is not well informed about agriculture and what is happening with agriculture in the State. The committee would be a resource of information that keeps up to date on best management practices strictly related to agriculture, particularly noise and odor. Members can be elected or appointed. They are strictly an advisory board and do not have any enforcement power. Keith noted as more agricultural operations become apparent during the Planning Board Site Plan process, the Planning Board will run into more differences on definitions of things related to agriculture.

Keith also commented on the list of people the town has of people “suspected” of running a business at their property. Based on conversations people have had with him since he came in asking about his high tunnels, people do not seem to be aware of what has been going on with requirements to come forward. He thought the priority list might be a little skewed. He asked that all the people on the list be sent a letter letting them know they will be contacted so those on the list do not feel singled out. Dick stated there is no “finite” list right now. Whit stated prefers to approach people in person with gracefulness and dignity. Whit stated he has asked the Planning Board for clarification of those running home occupations. The Planning Board has talked about getting a baseline of home occupations. He is concerned that a home occupation is allowed by right and the Planning Board does not have a right to compel those people to come in to justify such. Judy Lawlor asked why the whole town is not notified of what the proceedings are. Dick stated Whit and the Selectmen have developed a tri-fold informational brochure as part of the informational process. The process has been talked about every two weeks and recorded in the minutes. Whit stated the more talk there is the more people that are talking about it and coming forward. No one is being singled out. There is transparency in the process through his reporting and the minutes. He is trying to meet “face to face” instead of through the anonymity of a letter.

George McCusker stated he would like to see all town officials, and anyone employed by the town come forward. At the same time anyone who makes changes on their property be approached to comply, so they do not feel like they are being singled out. George stated Whit is doing a wonderful job of PR moving ahead. Dick stated he agrees with George, but Keith is right, people who have been put on a list should know about it.

Scott Cote came back to the meeting to ask if there was anything the Town could do to help Mr. Thompson as his house was destroyed by fire in the Spring. Dick if Scott knew how the town could help. Mr. Thompson was offered help after the fire through contacts of the fire department. Dick suggested if Scott has an idea of how to help, to let them know.

Board and Department Updates: Highway: George stated that several weeks ago he was concerned with coverage for highway when Peter was away. Usually when he went away, the employee, Mike went with him. Peter has spoken to Ed Abair and he is willing to be on call. The Fire Department typically are first responders anyway. Since then, the employee has given his two-week notice. The board needs to decide on a process for advertising for a new employee. Some people have informally expressed an interest.

Board and Department Updates:

George reported he recently attended a meeting at the Upper Valley Lake Sunapee Region Planning Commission.

George reported he contacted Whit about a porch that is being added to a yurt on Old Boston Road that is not permitted. There was a similar situation there several years ago with a shed that was dropped off. George noted concern with additions and structures being added to the property. There is no septic plan and the lot is less than 5 acres. George stated he is a neighbor, so he contacted Whit.

George stated he would like to see a policy where builders are not off the hook when permits are not pulled. Dick asked George to find some examples from other towns who may have this policy to see what may be out there.

Library: Dick reported the yellow jackets are gone. The concrete steps have developed a large sag in front and have been taken out of service and will be replaced with granite. It will take two to three weeks for the granite after it has been ordered. A sleeve will be put under the steps to deal with drainage when the leak is investigated. Until the new steps are in place, patrons are being directed to the handicap access.

Miscellaneous Business:

Ryan reported he may need to be away from his Health Officer duties for a bit. The Deputy Health Officer does not want to do septic plans. Ryan would like to ask Kevin Roberts, a former deputy to review plans. The Board agreed Ryan should contact Kevin and see if he is willing. The Board assured Ryan the duties would be taken care of in his absence.

The meeting adjourned at 5:50 p.m.

Submitted by,  
Janet Roberts,  
Administrative Assistant