

BOARD OF SELECTMEN

SEPTEMBER 26, 2016

MEMORIAL BUILDING

7:00 P.M.

The following are to be considered draft minutes only until approved by the Board at their next meeting.

Selectmen present: Chairman, Don Hill; Leigh Callaway and Tamara Butcher.

Others present: Mike Lawlor, Ed Belfield, and Sergeant Beaulieu, and Zoning Coordinator, Whit Smith.

Meeting called to order at 7:00 p.m.

Building Permits: Board discussed with Whit Smith the process for approval or denial of building permit applications. Holding permits until a Selectmen's meeting results in unnecessary delays, especially for those applications that require action by Zoning or Planning. Whit has been sending updates for each Selectmen's meeting regarding permit activity. The Selectmen agreed if Whit recommends denial, he can refer the application to the appropriate Board as needed. If he recommends the application be approved, his recommendation will be forwarded to Board members by e-mail. The Selectmen will respond whether they concur, without deliberations. Don moved to approve Whit signing off on permits, or denials, with 2 concurrent responses from the Board of Selectmen. Motion was seconded by Tamara and unanimously approved. Whit will continue to provide his written updates for each Selectmen's meeting.

Whit provided a written update to the Board. (Report attached at the end of these minutes.)

Application approved for Village District of Eastman/Revision Energy for solar panel installation at Wellfield Road.

Application/renewal permit approved for Scott Houle for Garage on Main Street.

Application approved for Dawn Serena for a shed on Route 4A.

Application denied for Ben Keene for a garage on Lamson Lane. They will be referred to Zoning.

Application approved for Ken Lyman for two lean-to additions to an existing garage.

Minutes of September 12, 2016: Don gave Tamara a copy of minutes with suggestions for correction of content, and some typos and resubmit a corrected copy. Leigh moved to approve the minutes, with corrections, seconded by Don. Leigh and Don approved. Tamara abstained.

Don handed out draft minutes from the Safety Committee Meeting of August 9, 2016. Copies will be sent to Police, Fire and Emergency Management.

Old Business:

Projects List: Leigh discussed projects list. He is willing to take over the project list management. Tamara will take over budgets.

Skateboard park repairs are done. Invoice has been received and approved for payment. The park is in good condition now and Frank Sparrow will come back to inspect annually.

Church pew painting is done and invoice has been approved for payment.

Matt Labelle will do the repair work on the Library steps in October.

Bill Huntoon is almost done with the painting at the Museum. Feedback has been positive on the historical society painting.

Don reported there was some confusion as to the number of doors that required overhangs at the highway/fire garage. Billy will get all three people doors (2 @ highway and 1 @ fire) plus one equipment door done by the end of the year. Estimated cost is \$1500 to \$2000.

Bowman Road Deck: Letter regarding non-compliance was sent by certified mail but has not been picked up. The Board agreed to send a second certified notice and will also have one hand delivered by the Police Department. The board noted they have the right to levy daily fines for non-compliance.

Woodland Heights: Leigh stated Mary Pinkham-Lager, from the State Department of Revenue visited the site at Woodland Heights, following a report of excavation and hauling of gravel. The report from the site inspection indicated some material had been removed, but not a lot. The inspector spoke to the contractor. An Intent to Excavate Permit is required for material in excess of 1,000 yards. The quantities of material removed is unknown. The inspector also spoke with the property owner about the requirements of permits etc. for the removal of materials.

Don noted there has been no follow-up contact from the owner in response to the letter the Selectmen sent back in August. The structure on the property is unpermitted and there are still issues with the driveway and wetlands that have been ongoing since November of last year. Don will call the owner, and reiterate she get in touch with the zoning coordinator for assistance in the process.

911-Update: A report from Raymond Abair was received regarding the roads he has gathered 911 numbering data for.

Don reported the bridge on Star Lake Road is scheduled to be replaced in November... Engineering plans are in process for the bridge and the Stryker Road entry. Hanson will be doing the construction.

New Business:

The Board reviewed the information for a three-year CAP/rate lock program for Workmen's Comp and Property Liability from PRIMEX. Motion by Leigh, second by Tamara, recommending approval. Board voted unanimously.

Leigh reported the website host, Virtual Towns and Schools has a new feature that will rescale and resize documents on the website to be compatible with Smartphones. The cost is \$1800.00. Following discussion the Board agreed to table the matter. Leigh will ask a representative to attend a Selectmen's meeting.

Tax Deeding is scheduled to take place on October 19th. Don asked the Selectmen to review the list for their next meeting.

Leigh reported the red Freightliner is leaking oil from the power take off/clutch or pressure plate. Leigh is concerned about reliability as it is approaching the heavy demand season for the trucks. He noted Pete feels he can squeeze the funds out of his budget, estimated to be about \$2,000. The Board discussed the cost and repair with Bryan O'Day. Leigh moved to authorize up to \$2,800.00, if Pete can find it in his budget, to repair the truck. Motion seconded by Don and unanimously approved.

Internet service: Leigh reported the three year contract with Fairpoint expired in August 2016, but the fees will remain unchanged unless a change in service is requested. Leigh has spoken with WiValley, the Internet Service Provider for 98% of the Towns with fiber optic availability through Fastroads. He also spoke with the Enfield Town Manager. They have been using WiValley for some time now and are satisfied. The costs are in the range of 89.95 for 10 megs of service and 120.00 for 20 with a three year contract. Fairpoint can offer 7 megs for \$39.20/month with a three year contract. Leigh spoke to Mike Lavelle at Certified Computer Solutions who recommends fiber optic. Further discussion was tabled. Leigh will arrange a meeting with Mike Lavelle and a representative from WiValley.

Board and Department Updates:

Planning Board report: The Site Plan Review hearing for the Eastman Village District went smoothly and the site plan was approved.

The Planning Board wants to be sure, later this fall, to pull together cohesive language to amend the Zoning Ordinance in March relative to auxiliary living units.

Tamara reported the Library Trustees meet tomorrow. The Cemetery Trustees have been contacted by Joe Kealy, regarding some type of service for his Eagle project. The Zoning Board meets October 4th.

Janet noted Ken Jacques has inquired whether the Board of Selectmen feels there is a need to hold a budget meeting before December. The Board did not know of any particular issue that

needs addressing. Leigh stated perhaps there should be a CIP meeting. He would like Ken to inquire with the Planning Board to see if the Board will authorize an annual update for the CIP. Don indicated he would like to have an informal session with the department heads to begin the discussion of budgets etc. (Scheduled for Tuesday, October 11 at 9:00 a.m. at the fire station).

Signatures: Intent to Cut approved for Star Lake Farm
Yield Tax assessments signed for Leblanc and Rodgers.

Miscellaneous Business:

Mike Lawlor reported he had heard that NH Fish & Game had made an offer on the Aaron's ledge property and the offer had been turned down.

The meeting adjourned at 8:43 p.m.

Submitted by,

Janet Roberts,
Administrative Assistant

In preparation for the Board of Selectmen meeting Monday night, September 26, 2016, I am providing the following summary to brief the Board of Selectmen on permit applications and my activity.

Applications for Permits – Ready for Consideration:

1. Village of Eastman Water District (Agent: Revision Energy), 59 Wellfield Road (Eastman); Application for Permit to construct/install solar energy system (photovoltaic panels on post ground mounts) consisting of multiple photovoltaic panel arrays over the well field for the Eastman Water District.

Applicant is exempt from zoning ordinance requirement prohibiting construction in a designated wetland or within the setback “buffer” adjacent to wetlands because applicant is performing a “governmental function” (provision of water to the Village of Eastman within the Town of Springfield). This position has been reviewed with and confirmed by attorney from the New Hampshire Municipal Association.

Additionally, the Applicant submitted to the Planning Board an application for a Revised Site Plan for the 59 Wellfield Road location, to include the proposed change in the use and the installation of additional fixtures (construction/installation of photovoltaic grid) on the site.

On Thursday September 15, the Planning Board approved a site plan for the Village District of Eastman’s solar array and recommended permit approval by the Select-Board pending a review of floodplain regulations.

Springfield has a floodplain management ordinance and the proposed construction site is partially within a floodplain.

The Village District of Eastman is a governmental entity. In an email dated Sep 5, 2013, the Legal Inquiries office of NHMA advised Selectman Callaway that, per New Hampshire Revised Statutes, (RSA 674:54), local ordinances do not apply to “governmental use” unless specifically stated otherwise in the ordinance – the Springfield Floodplain Management Ordinance does not contain specific language indicating that it applies to the town or entities performing a governmental function. The New Hampshire statute (RSA (674:54) does requires notice and (nonbinding) comment by the Select-Board to inform the Planning Board and gives them (the Planning Board) the opportunity to comment. In the case of the Eastman Water District application (Revision Energy acting as agent), that was done at the Planning Board meeting on September 15, 2016.

Accordingly, the provisions of the New Hampshire statute (RSA 674:54) have been met and, based on Springfield’s Floodplain Management Ordinance alone, the Select-Board has no legal authority to deny – or approve - Eastman’s permit application.

In a conversation Sep 20, 2016 with the NH Office of Energy and Planning (OEP, Jennifer Gilbert 271-1762), Selectman Callaway asked if there are other state or FEMA ordinances or regulations that may apply. The answer was “no.” The authority to regulate construction in a floodplain is delegated to municipalities, who assume that authority under NH law (RSA 674:16) by means of their own ordinance.

Permit application is complete with drawings. Location is adequately identified. No setback encroachment. No wetlands buffer or floodplain issue due to exemption. Structures are less than 35’ tall. Zoning Coordinator has visited and viewed the site; discussed plans with the applicant’s agent. Recommend APPROVAL.

2. Scott Houle, 667 Main Street (Route 114); Application for Permit for garage and breezeway attached to existing home. Permit application is complete with drawings. Location is adequately staked. No setback encroachment. No wetlands buffer issue. Structure less than 35' tall. Zoning Coordinator has visited and viewed the site; discussed plans with the applicant. Recommend APPROVAL.

3. Benjamin Keene, 86 Lamson Lane; Application for a permit to build a 24' x 32' garage. Mr. Keene's lot is non-conforming with regard to size in that it is 72/100 acre (lot is only 100' wide). The planned site for the garage is appropriately located, but the back of the garage will be 10' from the side yard lot line. Setback requirement is 35'. No wetlands buffer issue. Structure less than 35' tall. Zoning Coordinator has visited and viewed the site; discussed plans with the applicant. Due to side yard setback encroachment, Recommend DENIAL.

Planned construction may be within 250' of Lake Kolelemook. Mr. Keene was made aware that if the construction he is planning is on land located within 250 feet of the reference line of public waters, a "Shoreland Permit" may be required from the NH Department of Environment Services (RSA Sec.483-B:5-b).

Note: Current Zoning Board of Adjustment Procedure Instructions to Applicants require "some form of determination that... the proposal is not permitted without a variance. Most often, this determination is a denial of a building permit. A copy of the determination must be attached to (the) application. (Zoning Board of Adjustment Instructions to Applicants Appealing to the Board of Adjustment, page 1.)

4. Dawn Serena 2587 Rte. 4A; Application for Permit for shed located behind residence. Permit application is complete with drawings. Location is adequately identified. No setback encroachment. No wetlands buffer issue. Structure less than 35' tall. Zoning Coordinator has visited and viewed the site; discussed plans with the applicant. Recommend APPROVAL.

5. David Lyman, Webster Pass; After the fact Application for Permit to build addition on existing shed located next to residence. Permit application is complete with drawings. Location is adequately identified. No setback encroachment. No wetlands buffer issue. Structure less than 35' tall. Zoning Coordinator has visited and viewed the site; discussed plans with the applicant. Applicant has paid to the Town the permit fee of \$100 for submitting a permit application after construction has started. Recommend APPROVAL

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